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Attorneys for Plaintiff
TRACY CHAPMAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY CHAPMAN,

Plaintiff,

vs.

ONIKA TANYA MARAJ p/k/a
NICKI MINAJ and DOES 1-10,

Defendants.

No. 2:18-cv-09088-VAP

Honorable Virginia A. Phillips

**[REDACTED] APPENDIX OF
EVIDENCE IN SUPPORT OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

Hearing Date: September 14, 2020
Hearing Time: 2:00 p.m.

Final Pretrial Conf.: October 5, 2020
Trial Date: October 13, 2020

[Concurrently filed with: 1. Notice of
Motion and Motion For Partial Summary
Judgment; 2. Separate Statement of
Undisputed Facts; 3. [Proposed] Order]

Plaintiff Tracy Chapman hereby submits the following Appendix of Evidence in support of its Motion for Summary Judgment.

EXHIBITS

<u>Exhibit</u>	<u>Description</u>
Declaration of Tracy Chapman	
1.	May 15, 2008 Agreement between Tracy Chapman d/b/a Purple Rabbit Music and EMI April Music.
2.	June 26-July 16, 2018 email chain between Deborah Mannis-Gardner, Joshua Berkman and representatives at Gelfand Rennert and Feldman, LLP titled "Re: Tracy Chapman – Sorry".
3.	July 27-August 2, 2018 email chain between Gee Roberson and Lee Phillips titled "Tracy Chapman".
Declaration of Nicholas Frontera	
4.	Printout of the Public Catalog listing for the October 20, 1983 Copyright Registration - PAu000556755 for "Anthology of songs by Tracy Chapman, II" that includes Plaintiff's original work entitled "Baby Can I Hold You".
5.	Printout of the Public Catalog listing for the May 5, 1989 Copyright Registration - PA0000417830 - for "Baby, Can I Hold You?".
6.	Excerpts of the Transcript of the Deposition of Onika Tanya Maraj taken on September 23, 2019 in this Action
7.	Defendant Onika Tanya Maraj's Answer to Plaintiff Tracy Chapman's Complaint, Dkt. No. 14, filed in this Action on February 22, 2019.
8.	Defendant Onika Tanya Maraj's Supplemental Responses to Tracy Chapman's First Set of Requests for Admission served in

1		this Action on September 3, 2019.
2	9.	Comparison Chart of the lyrics of Baby Can I Hold You to
3		those of Sorry that was filed as Exhibit 1 to the Complaint of
4		Tracy Chapman filed this Action on October 22, 2018 (Dkt. 1).
5	10.	May 23-24, 2018 email chain between Joshua Berkman and
6		Deborah Mannis Gardner titled "Re: New Nicki Minaj
7		Interpolation".
8	11.	Excerpts of the Transcript of the Deposition of Deborah
9		Mannis-Gardner taken on January 28, 2020 in this Action.
10	12.	June 26, 2018 email chain between Joshua Berkman and
11		Deborah Mannis-Gardner titled "Re: Nicki Minaj interpolation
12		of Shelly Thunder 'Sorry'".
13	13.	July 10, 2018 Official Request from DMG Clearances, Inc.
14		entitled "RE: Nicki Minaj "D" contains interpolations from
15		'Sorry (Baby can I Hold You)' written by Tracy Chapman and
16		published by Purple Rabbit Music ASCAP)".
17	14.	July 18, 2018 email chain between Joshua Berkman and
18		Deborah Mannis-Gardner titled "Re: Tracy Chapman"
19	15.	August 3 - August 11, 2018 Instagram direct messages between
20		Defendant Onika Tanya Maraj and Aston George Taylor.
21	16.	Excerpts of the Transcript of the deposition of Aston George
22		Taylor taken on February 11, 2020.
23	17.	August 3 - August 7, 2018 text messages between Onika Tanya
24		Maraj and Nas.
25	18.	August 10 - August 13, 2018 email chain between David
26		Castro and Aubry Delaine titled "Nicki Minaj - Sorry - Chris
27		Athens Masters".
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19.	Excerpts of the Transcript of the deposition of Aubry Delaine taken on July 27, 2020.
20.	August 11, 2018, 1:55 PM Twitter post by Aston George Taylor.
21.	August 11, 2018, 2:34 PM Twitter post by Aston George Taylor.
22.	August 11, 2018 email chain from Aston Taylor to DJ Heavy Rotation titled "Re: 01 Sorry - 72518 - master.mp3".
23.	Printout of the August 11, 2018 post on the Hot 97 Website titled "Funk Flex drops an exclusive Nicki Minaj track with Nas".
24.	August 11, 2018 Hot 97 FM Instagram post Re: "Funk Flex Mix premier of Nicki Minaj and Nas".
25.	August 8 – August 11, 2018 email chain between Gee Roberson, Lee Phillips and Peter Bittenbender.
26.	October 20, 1983 Copyright Registration - PAu000556755 for "Anthology of songs by Tracy Chapman, II" with the United States Copyright Office that includes Plaintiff's original work entitled "Baby Can I Hold You".
27.	August 10, 2018 email from David Castro to Chris Athens entitled "Nicki Minaj – 'Sorry' - song from Serban".

Dated: August 17, 2020

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ John M. Gatti

John M. Gatti
Attorney for Plaintiff
TRACY CHAPMAN

DECLARATION OF TRACY CHAPMAN

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Attorneys for Plaintiff
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**DECLARATION OF TRACY
CHAPMAN IN SUPPORT OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

Hearing Date: September 14,
2020

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Final Pretrial Conf.: October 5, 2020
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DECLARATION OF TRACY CHAPMAN

I, Tracy Chapman, hereby declare as follows:

1. The following facts are within my personal knowledge, and if called upon as a witness, I would and could testify competently thereto.

2. I wrote the original composition "*Baby Can I Hold You*" (the "Composition") in 1982 and obtained a copyright registration for the work (and other musical compositions) – PAu000556755 – from the United States Copyright Office on October 20, 1983.

3. On October 15, 1986, I entered into a co-publishing agreement with SBK April Music, Inc. ("SBK") pursuant to which I partially assigned the copyright in the Composition to SBK. SBK subsequently obtained a copyright registration for the Composition – PA0000417830 – on or about May 5, 1989, listing itself and my publishing designee, Purple Rabbit Music as the copyright claimants in the Composition.

4. On May 15, 2016, SBK's rights in the Composition transferred back to me pursuant to an agreement I had previously entered into with SBK on May 15, 2008. A true and correct copy of the May 15, 2008 Agreement is attached hereto as **Exhibit 1**. Pursuant to that agreement, I became the sole owner of the copyright in the Composition through my licensing designee Purple Rabbit Music.

5. In July of 2018, my business manager Todd Gelfand at Gelfand Rennert & Feldman, LLP ("Gelfand") informed me that a request had been made to obtain a license to sample the Composition in a work by Onika Tanya Maraj ("Ms. Maraj"). I instructed Gelfand to deny the request and a representative from Gelfand did so on July 16, 2018. A true and correct copy of the July 16, 2018 email denying the request that I instructed Gelfand to send is attached hereto as **Exhibit 2**.

6. In late July of 2018, Gelfand informed me that Ms. Maraj's representatives had made another request for my permission to sample the

1 Composition after my previous denial of Ms. Maraj's prior request. I then
2 instructed my attorney Lee Phillips at Manatt, Phelps & Phillips, LLP to notify Ms.
3 Maraj's representatives again that the use was denied. A true and correct copy of
4 the August 2, 2018 email confirming again that the request had been denied that I
5 instructed Mr. Phillips to send is attached hereto as **Exhibit 3**.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

8
9 Executed on August 17, 2020 in California.

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12 Tracy Chapman
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EXHIBIT 1

CO-ADMINISTRATION AGREEMENT

THIS AGREEMENT ("Agreement") made retroactively as of the 15th day of May, 2008 by and between TRACY CHAPMAN d/b/a PURPLE RABBIT MUSIC (hereinafter referred to as "Company") and EMI APRIL MUSIC, INC. (hereinafter referred to as "Publisher").

WITNESSETH:

WHEREAS, TRACY CHAPMAN ("Writer") is the writer of the musical compositions attached hereto as Schedule A, which comprise those certain musical compositions embodied on the Tracy Chapman albums entitled "Tracy Chapman", "Crossroads", "Matters of the Heart", and "New Beginning" (hereinafter collectively referred to as the "Compositions");

WHEREAS, in accordance with the terms of the agreement between Writer and Publisher dated May 15, 2000 (herein "Settlement Agreement") **Trade Secret**, all administration rights in Writer's undivided fifty percent (50%) interest in the Compositions, including the interest attributable to Writer's "writer share", reverted to Company effective May 15, 2008;

WHEREAS, in accordance with the terms of the Settlement Agreement, as of the date hereof, the entire worldwide right, title and interest, including the copyrights, in and to the Compositions are owned in the percentages described below:

Company: 50%
Publisher: 50%

Notwithstanding the foregoing, however, Publisher's interest in the copyrights and all administration rights in the Compositions will terminate on May 15, 2016 when all of Publisher's interest in the copyrights and all administration rights in the Compositions will revert to Company in accordance with the terms of paragraph 5.01(c) of the Settlement Agreement.

Trade Secret

WHEREAS, the division of songwriter royalties with respect to the Compositions is as follows:

Writer: 100%

WHEREAS, the Compositions have heretofore been registered for copyright in the names of Company and Publisher in the Copyright Office of the United States of America;

WHEREAS, the parties hereto desire that each of them, during the term hereof, shall administer its respective interest in the Compositions upon all the terms and conditions contained herein;

Trade Secret



SJD/G:/Chapman Co-Admin 2008/v.3

Trade Secret



Trade Secret



10. The respective addresses of the parties hereto for all purposes of this agreement shall be as set forth below, until written notice of a new address shall be duly given:

PUBLISHER

Tracy Chapman d/b/a Purple Rabbit Music
c/o Manatt, Phelps & Phillips
11355 West Olympic Boulevard
Los Angeles, CA 90064
Attn: L. Lee Phillips, Esq.

COMPANY

EMI April Music Inc.
75 Ninth Avenue, 4th Floor
New York, NY 10011

Trade Secret



Trade Secret

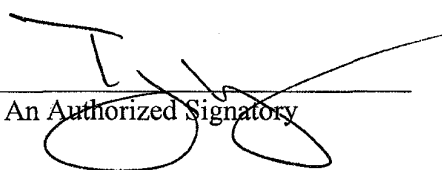


IN WITNESS WHEREOF, the parties have executed this Agreement the day and year above set forth.

TRACY CHAPMAN d/b/a PURPLE RABBIT MUSIC

By: _____

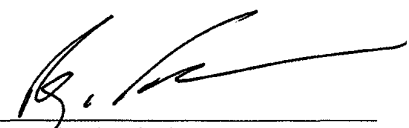
An Authorized Signatory



EMI APRIL MUSIC INC.

By: _____

An Authorized Signatory



SCHEDULE A

to the Agreement dated as of May 15, 2008 by and between TRACY CHAPMAN d/b/a PURPLE RABBIT MUSIC and EMI APRIL MUSIC, INC.

Compositions		
Title	Writer(s)/Share	Publisher(s)/Share (Prior to assignment to EMI)

RC020P

SCHEDULE "A"

PAGE : 1

012436 - TRACY CHAPMAN - "TRACY CHAPMAN" 1ST LP

CODE	SONG TITLE	WTR. %	WRITER/PUBLISHER	MECHANICALS/ OTHER NON-PERF		PERFORMANCE	
				% OWN	% COL.	% OWN	% COL. ADMIN BY

Trade Secret

037546	BABY CAN I HOLD YOU	100.000	CHAPMAN, TRACY L	PURPLE RABBIT MUSIC					
			EMI APRIL MUSIC INC.	50.000	25.000	50.000	50.000	APRIL	
			PURPLE RABBIT MUSIC	50.000	75.000	50.000	50.000	ITSELF	

AKA - CI SONO PAROLE

Trade Secret

RC020P

SCHEDULE "A"

PAGE : 2

012436 - TRACY CHAPMAN - "TRACY CHAPMAN" 1ST LP

CODE SONG TITLE

WTR.
‡ WRITER/PUBLISHER

MECHANICALS/
OTHER NON-PERF
* CEN * COL * CEN * COL ADMIN BY

Trade Secret



RC020P

SCHEDULE "A"

PAGE : 1

006565 - TRACY CHAPMAN/"NEW BEGINNING" LP

CODE SONG TITLE

WTR.
% WRITER/PUBLISHER

MECHANICALS/
OTHER NON-PERF
% OWN % COL. % OWN % COL. ADMIN BY

Trade Secret



RC020P

SCHEDULE "A"

PAGE : 2

006565 - TRACY CHAPMAN/"NEW BEGINNING" LP

CODE SONG TITLE

WTR.
% WRITER/PUBLISHER

MECHANICALS/ PERFORMANCE
OTHER NON-PERF
% OWN % COL. % OWN % COL. ADMIN BY

Trade Secret



RC020P

SCHEDULE "A"

PAGE : 1

002660 - TRACY CHAPMAN - "MATTERS OF THE HEART" LP

CODE SONG TITLE

WTR.
% WRITER/PUBLISHER

MECHANICALS/
OTHER NON-PERF
% OWN % COL. % OWN % COL. ADMIN BY

Trade Secret



RC020P

SCHEDULE "A"

PAGE : 2

002660 - TRACY CHAPMAN - "MATTERS OF THE HEART" LP

CODE SONG TITLE

WTR.
% WRITER/PUBLISHER

MECHANICALS/
OTHER NON-PERF
% OWN % COL. % OWN % COL. ADMIN BY

Trade Secret

RC020P

SCHEDULE "A"

PAGE : 1

003686 - TRACY CHAPMAN/"CROSSROADS" LP

CODE SONG TITLE

WTR.
% WRITER/PUBLISHER

MECHANICALS/
OTHER NON-PERF
% OWN % COL. % OWN % COL. ADMIN BY

Trade Secret



RC020P

SCHEDULE "A"

PAGE : 2

003686 - TRACY CHAPMAN/"CROSSROADS" LP

CODE	SONG TITLE	WTR. %	WRITER/PUBLISHER	MECHANICALS/ OTHER NON-PERF % OWN % COL.	PERFORMANCE % OWN % COL.	ADMIN BY
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Trade Secret

EXHIBIT 2



From: Deborah Mannis-Gardner <deborah@dmgclearances.com>
Sent: Monday, July 16, 2018 3:33 PM
To: Lauren Brockie
Cc: Rachel Maloney; Joshua Berkman
Subject: Re: FW: Tracy Chapman -Sorry

Thanks Lauren. I have my client on copy for visibility

best

Deborah

On Mon, Jul 16, 2018 at 3:24 PM, Lauren Brockie <lbrockie@grflp.com> wrote:

Hi Deborah,

Thank you for the interest in this sample request. Unfortunately, the request has not been approved.

Kind regards,

Lauren



Lauren Brockie

Senior Music Publishing Administrator

Gelfand, Rennert & Feldman, LLC

1880 Century Park East, #1600

Los Angeles, CA 90067

lbrockie@grflp.com

310-282-5961 (Direct Line)

310-229-0161 (Direct Fax)

From: Deborah Mannis-Gardner <deborah@dmgclearances.com>
Sent: Tuesday, July 10, 2018 10:57 AM
To: Lauren Brockie <lbrockie@grflp.com>

Cc: Rachel Maloney <rmaloney@grfilp.com>

Subject: Re: FW: Tracy Chapman -Sorry

Hi Lauren

Attached please find my formal letter of request along with my client on copy to arrange the listening of the music

Many thanks

Deborah

On Wed, Jun 27, 2018 at 2:05 PM, Lauren Brockie <lbrockie@grfilp.com> wrote:

Hi Deborah!

I handle the day to day on behalf of Purple Rabbit Music.

Do you mean the song, "Baby Can I Hold You"?

Can you also please provide more information or send over an official request?

Thanks!

Lauren



Lauren Brockie

Senior Music Publishing Administrator

Gelfand, Rennert & Feldman, LLC

1880 Century Park East, #1600

Los Angeles, CA 90067

lbrockie@grflp.com

310-282-5961 (Direct Line)

310-229-0161 (Direct Fax)



Rachel Maloney

Manager, Music Publishing

Gelfand, Rennert & Feldman, LLC

1880 Century Park East, #1600

Los Angeles, CA 90067

rmaloney@grflp.com

310-556-6630 (Direct Line)

310-407-0630 (Direct Fax)

From: Deborah Mannis-Gardner <deborah@dmgclearances.com>

Sent: Tuesday, June 26, 2018 1:38 PM

To: Rachel Maloney <rmaloney@grflp.com>

Subject: Tracy Chapman -Sorry

Hi Rachel

When your client Tracy Chapman was with Sony/ATV her material was always denied

Is she still on the do not sample or interpolate list? I have an A LIST artist who wants to use the song Sorry

URGENT - please advise

Many thanks

Deborah

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Deborah Mannis-Gardner

DMG Clearances, Inc.

7209 Lancaster Pike, Suite 4-330

Hockessin, DE 19707

302.239.6337 x1 voice

302.239.6875 fax

deborah@dmgclearances.com

Visit our website at www.dmgclearances.com

Visit our partner company www.tracklib.com

<http://www.imdb.com/name/nm0543434/>

<http://www.allmusic.com/artist/deborah-mannis-gardner-mn0001801015>



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--

Deborah Mannis-Gardner

DMG Clearances, Inc.

7209 Lancaster Pike, Suite 4-330

Hockessin, DE 19707

302.239.6337 x1 voice

302.239.6875 fax

deborah@dmgclearances.com

Visit our website at www.dmgclearances.com

Visit our partner company www.tracklib.com

<http://www.imdb.com/name/nm0543434/>

<http://www.allmusic.com/artist/deborah-mannis-gardner-mn0001801015>



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EXHIBIT 3

Message

From: Crawshaw-Sparks, Sandra A. [/O=PROSKAUER/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SCRAWSHAW29776577]
Sent: 11/18/2019 7:10:16 PM
To: Weil, Simona [/o=Proskauer/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Weil, Simona97c]
Subject: Fwd: Tracy Chapman

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: G Roberson <geemaverick@gmail.com>
Date: 11/18/19 5:54 PM (GMT-05:00)
To: "Crawshaw-Sparks, Sandra A." <SCrawshaw@proskauer.com>
Subject: Fwd: Tracy Chapman

Begin forwarded message:

From: "Phillips, Lee" <lphillips@manatt.com>
Date: August 2, 2018 at 9:39:52 PM GMT+2
To: "geemaverick@gmail.com" <geemaverick@gmail.com>
Cc: "tgelfand@grflp.com" <tgelfand@grflp.com>
Subject: Tracy Chapman

Ms (Mr) Roberson. I am the attorney for Tracy Chapman and your e mail below was forwarded to me as Mr Gelfand is not available. As matter of courtesy, Ms Chapman asked me to respond to your e mail. I assume you are aware of the previous denial by our client of the sample request made by your client for a license to include "Baby Can I Hold You" in a recording by Nicki Minaj. I have spoken to Ms Chapman and while she appreciates the positive feelings of your client, you should know that she carefully protects her copyrights and in the normal course of business does not approve these kinds of requests. We hope that with this confirmation, your client will move on with the project without the requested sample. Thank you and your client for understasnding.

From: G Roberson <geemaverick@gmail.com<mailto:geemaverick@gmail.com>>
Date: Friday, Jul 27, 2018, 3:27 PM
To: Todd Gelfand <TGELFAND@grflp.com<mailto:TGELFAND@grflp.com>>
Subject: Nicki Minaj

Exhibit146
G. Roberson
February 25, 2020
Rptr: D. Paholski

Hello Todd. This is Gee Roberson (Nicki Minaj manager). I was reaching out because Nicki

would like to touchbase with Tracy Chapman. She has been personally inspired throughout her life by Tracy as an artist and a deep appreciation for her work. Nicki as you may know is a very private person that has keep details on her private life separate from her work life. She has created an idea that is one of the most personal for her that was inspired by Tracy's art that she would like the opportunity to touchbase with Tracy about. Please let me know if you can connect them together. Thanks and blessings.

CONFIDENTIALITY: This e-mail and any attachments are confidential and also may be privileged.

Lee Phillips
Partner

Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd
Los Angeles, CA 90064
D (310) 312-4111 F (310) 914-5850

lphillips@manatt.com
manatt.com

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DECLARATION OF NICHOLAS FRONTERA

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Attorneys for Plaintiff
TRACY CHAPMAN

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Honorable Virginia A. Phillips

**DECLARATION OF NICHOLAS
FRONTERA IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Hearing Date: September 14,
2020

Hearing Time: 2:00 p.m.

Final Pretrial Conf.: October 5, 2020
Trial Date: October 13, 2020

DECLARATION OF NICHOLAS FRONTERA

I, Nicholas Frontera, declare as follows:

1. I am an attorney at law, duly authorized and licensed to practice before all of the courts of the state of California, and before this Court, and I am an associate of Manatt, Phelps & Phillips, LLP, attorneys for Plaintiff Tracy Chapman (“Plaintiff”). I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could testify competently thereto.

2. Pursuant to Local Rule 7-3, I met and conferred with counsel for Defendant Onika Tanya Maraj p/k/a Nicki Minaj (“Defendant”) on July 29, 2020. Due to the global pandemic, we were unable to meet in-person, but did meet and confer telephonically. During the conference, we thoroughly discussed the substance of the arguments set forth in Plaintiff’s Motion for Partial Summary Judgment, as well as potential resolution of the disagreements, in an attempt to eliminate the need for this Motion. However, the parties were unable to reach an agreement obviating the necessity for this Motion.

3. A true and correct copy of the June 26-July 16, 2018 email chain between Deborah Mannis-Gardner, Joshua Berkman and representatives at Gelfand Rennert and Feldman, LLP titled “Re: Tracy Chapman – Sorry” produced by Joshua Berkman in this Action in response to Plaintiff’s subpoena directed to Joshua Berkman is attached to the Declaration of Tracy Chapman in Support of Plaintiff’s Motion to Dismiss as **Exhibit 2**.

4. A true and correct copy of the July 27-August 2, 2018 email chain between Gee Roberson and Lee Phillips titled “Tracy Chapman” that was produced by the Blueprint Group in this Action in response to Plaintiff’s subpoena directed to Blueprint Group is attached to the Declaration of Tracy Chapman in Support of Plaintiff’s Motion to Dismiss as **Exhibit 3**.

5. Attached hereto as **Exhibit 4**, is a true and correct copy of a printout of the Public Catalog listing for the October 20, 1983 Copyright Registration -

1 PAu000556755 for “Anthology of songs by Tracy Chapman, II” that includes
2 Plaintiff’s original work entitled “Baby Can I Hold You” that was obtained by my
3 office from the United States Copyright Office’s Official Website at:
4 [https://cocatalog.loc.gov/cgi-](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=anthology%20of%20songs%20by%20tracy%20chapman&Search%5FCode=TALL&CNT=25&PID=_ypEH2ER9xBwIMXH4Pc5yWWR5DjMX&SEQ=20200815170909&SID=2)
5 [bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=anthology%20of%20songs%20](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=anthology%20of%20songs%20by%20tracy%20chapman&Search%5FCode=TALL&CNT=25&PID=_ypEH2ER9xBwIMXH4Pc5yWWR5DjMX&SEQ=20200815170909&SID=2)
6 [by%20tracy%20chapman&Search%5FCode=TALL&CNT=25&PID=_ypEH2ER9](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=anthology%20of%20songs%20by%20tracy%20chapman&Search%5FCode=TALL&CNT=25&PID=_ypEH2ER9xBwIMXH4Pc5yWWR5DjMX&SEQ=20200815170909&SID=2)
7 [xBwIMXH4Pc5yWWR5DjMX&SEQ=20200815170909&SID=2](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=anthology%20of%20songs%20by%20tracy%20chapman&Search%5FCode=TALL&CNT=25&PID=_ypEH2ER9xBwIMXH4Pc5yWWR5DjMX&SEQ=20200815170909&SID=2).

8 6. Attached hereto as **Exhibit 5**, is a true and correct copy of a printout of
9 the Public Catalog listing for the May 5, 1989 Copyright Registration -
10 PA0000417830 - for “Baby, Can I Hold You?” that was obtained by my office
11 from the United States Copyright Office’s Official Website at
12 [https://cocatalog.loc.gov/cgi-](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=baby%20can%20i%20hold%20you&Search%5FCode=TALL&CNT=25&PID=skSrYMDbh-juoYjFln6Y3mmU7gUUo&SEQ=20200815171222&SID=3)
13 [bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=baby%20can%20i%20hold%20](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=baby%20can%20i%20hold%20you&Search%5FCode=TALL&CNT=25&PID=skSrYMDbh-juoYjFln6Y3mmU7gUUo&SEQ=20200815171222&SID=3)
14 [you&Search%5FCode=TALL&CNT=25&PID=skSrYMDbh-](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=baby%20can%20i%20hold%20you&Search%5FCode=TALL&CNT=25&PID=skSrYMDbh-juoYjFln6Y3mmU7gUUo&SEQ=20200815171222&SID=3)
15 [juoYjFln6Y3mmU7gUUo&SEQ=20200815171222&SID=3](https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?v1=2&ti=1,2&Search%5FArg=baby%20can%20i%20hold%20you&Search%5FCode=TALL&CNT=25&PID=skSrYMDbh-juoYjFln6Y3mmU7gUUo&SEQ=20200815171222&SID=3).

16 7. Attached hereto as **Exhibit 6**, is a true and correct copy of Excerpts of
17 the Transcript of the Deposition of Onika Tanya Maraj taken on September 23,
18 2019 in this Action.

19 8. Attached hereto as **Exhibit 7**, is a true and correct copy of Defendant
20 Onika Tanya Maraj’s Answer to Plaintiff Tracy Chapman’s Complaint, Dkt. No.
21 14, filed in this Action on February 22, 2019.

22 9. Attached hereto as **Exhibit 8**, is a true and correct copy of Defendant
23 Onika Tanya Maraj’s Supplemental Responses to Tracy Chapman’s First Set of
24 Requests for Admission served in this Action on September 3, 2019.

25 10. Attached hereto as **Exhibit 9**, is a true and correct copy of a
26 Comparison Chart of the lyrics of Ms. Chapman’s song “Baby Can I Hold You” to
27 those of “Sorry” by Ms. Maraj that was filed as Exhibit 1 to the Complaint of Tracy
28 Chapman filed this Action on October 22, 2018 (Dkt. 1). This chart was prepared

1 by my office to evidence how Ms. Maraj used Ms. Chapman's copyrighted work in
2 "Sorry".

3 11. Attached hereto as **Exhibit 10**, is a true and correct copy of the May
4 23-24, 2018 email chain between Joshua Berkman and Deborah Mannis-Gardner
5 titled "Re: New Nicki Minaj Interpolation" produced by Joshua Berkman in this
6 Action in response to Plaintiff's subpoena directed to Joshua Berkman.

7 12. Attached hereto as **Exhibit 11**, is a true and correct copy of Excerpts
8 of the Transcript of the Deposition of Deborah Mannis-Gardner taken on January
9 28, 2020 in this Action.

10 13. Attached hereto as **Exhibit 12**, is a true and correct copy of the June
11 26, 2018 email chain between Joshua Berkman and Deborah Mannis-Gardner titled
12 "Re: Nicki Minaj interpolation of Shelly Thunder 'Sorry'" produced by Joshua
13 Berkman in this Action in response to Plaintiff's subpoena directed to Joshua
14 Berkman.

15 14. Attached hereto as **Exhibit 13**, is a true and correct copy of the July
16 10, 2018 Official Request from DMG Clearances, Inc. entitled "RE: Nicki Minaj
17 "D" contains interpolations from 'Sorry (Baby can I Hold You)' written by Tracy
18 Chapman and published by Purple Rabbit Music ASCAP)" produced by Deborah
19 Mannis-Gardner in this Action in response to Plaintiff's subpoena directed to
20 Deborah Mannis-Gardner.

21 15. Attached hereto as **Exhibit 14**, is a true and correct copy of the July
22 18, 2018 email chain between Joshua Berkman and Deborah Mannis-Gardner titled
23 "Re: Tracy Chapman" produced by Joshua Berkman in this Action in response to
24 Plaintiff's subpoena directed to Joshua Berkman.

25 16. Attached hereto as **Exhibit 15**, is a true and correct copy of the August
26 3 - August 11, 2018 Instagram direct messages between Defendant Onika Tanya
27 Maraj and Aston George Taylor produced by Aston George Taylor in this Action in
28 response to Plaintiff's subpoena directed to Aston George Taylor.

1 17. Attached hereto as **Exhibit 16**, is a true and correct copy of Excerpts
2 of the Transcript of the deposition of Aston George Taylor taken on February 11,
3 2020.

4 18. Attached hereto as **Exhibit 17**, is a true and correct copy of the August
5 3 - August 7, 2018 text messages between Onika Tanya Maraj and Nas produced in
6 this Action in response to Plaintiff's Requests for Production of Documents – Set 1.

7 19. Attached hereto as **Exhibit 18**, is a true and correct copy of the August
8 10 - August 13, 2018 email chain between David Castro and Aubry Delaine titled
9 “Nicki Minaj - Sorry - Chris Athens Masters” produced in this Action in response
10 to Plaintiff's Requests for Production of Documents – Set 1.

11 20. Attached hereto as **Exhibit 19**, is a true and correct copy of the
12 Excerpts of the Transcript of the deposition of Aubry Delaine taken on July 27,
13 2020.

14 21. Attached hereto as **Exhibit 20**, is a true and correct copy of the August
15 11, 2018, 1:55 PM Twitter post by Aston George Taylor produced by Aston George
16 Taylor in this Action in response to Plaintiff's subpoena directed to Aston George
17 Taylor.

18 22. Attached hereto as **Exhibit 21**, is a true and correct copy of the August
19 11, 2018, 2:34 PM Twitter post by Aston George Taylor produced by Aston George
20 Taylor in this Action in response to Plaintiff's subpoena directed to Aston George
21 Taylor.

22 23. Attached hereto as **Exhibit 22**, is a true and correct copy of the August
23 11, 2018 email chain from Aston Taylor to DJ Heavy Rotation titled “Re: 01 Sorry
24 - 72518 - master.mp3” produced by Aston George Taylor in this Action in response
25 to Plaintiff's subpoena directed to Aston George Taylor.

26 24. Attached hereto as **Exhibit 23**, is a true and correct copy of a printout
27 of the August 11, 2018 post on the Hot 97 Website titled “Funk Flex drops an
28 exclusive Nicki Minaj track with Nas” produced by Emmis Communication

1 Corporation in this Action in response to Plaintiff's subpoena directed to Emmis
2 Communication Corporation.

3 25. Attached hereto as **Exhibit 24**, is a true and correct copy of the August
4 11, 2018 Hot 97 FM Instagram post Re: "Funk Flex Mix premier of Nicki Minaj
5 and Nas" produced by Emmis Communication Corporation in this Action in
6 response to Plaintiff's subpoena directed to Emmis Communication Corporation.

7 26. Attached hereto as **Exhibit 25**, is a true and correct copy of the August
8 8 – August 11, 2018 email chain between Gee Roberson, Lee Phillips and Peter
9 Bittenbender produced by the Blueprint Group in this Action in response to
10 Plaintiff's subpoena directed to the Blueprint Group.

11 27. Attached hereto as **Exhibit 26**, is a true and correct copy of the
12 October 20, 1983 Copyright Registration - PAu000556755 for "Anthology of songs
13 by Tracy Chapman, II" with the United States Copyright Office that includes
14 Plaintiff's original work entitled "Baby Can I Hold You".

15 28. Attached hereto as **Exhibit 27**, is a true and correct copy of the August
16 10, 2018 email from David Castro to Chris Athens entitled "Nicki Minaj – 'Sorry' -
17 song from Serban" produced by Chris Athens Masters, Inc. in this Action in
18 response to Plaintiff's subpoena directed to Chris Athens Masters, Inc.

19 29. After the Infringing Work was released on the radio, numerous copies
20 were posted on the Internet. As a result, Ms. Chapman was forced to incur
21 significant expenses monitoring these improper postings and issuing DMCA
22 takedown notices. Copies of the Infringing Work remain on the Internet.

23 I declare under penalty of perjury under the laws of the United States of
24 America that the foregoing is true and correct.

25 Executed on August 17, 2020 at Los Angeles, California.

26 /s/ Nicholas Frontera
27 Nicholas Frontera
28

EXHIBIT 4

4/15/2019

WebVoyage Record View 1



The Library's catalogs are currently affected by performance issues. Staff are investigating the problem. We apologize for any inconvenience to our users.

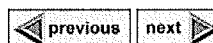
[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PAu000556755

Search Results: Displaying 1 of 1 entries



Labeled View

Anthology of songs by Tracy Chapman, II.

Type of Work: Music

Registration Number / Date: PAu000556755 / 1983-10-20

Title: Anthology of songs by Tracy Chapman, II.

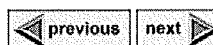
Description: 1 sound cassette.

Copyright Claimant: Tracy Chapman

Date of Creation: 1983

Authorship on Application: words & music: Tracy Lenett Chapman.

Names: Chapman, Tracy Lenett, 1964-



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Select Download Format	Full Record ▼	Format for Print/Save
Enter your email address:		<input type="button" value="Email"/>

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

EXHIBIT 5

4/15/2019

WebVoyage Record View 1



The Library's catalogs are currently affected by performance issues. Staff are investigating the problem. We apologize for any inconvenience to our users.

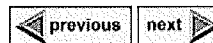
[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PA0000417830

Search Results: Displaying 1 of 1 entries



Labeled View

Baby, can I hold you?

Type of Work: Music

Registration Number / Date: PA0000417830 / 1989-05-05

Title: Baby, can I hold you?

Appears in: Tracy Chapman, Elektra 60774-1, c1988. 1 sound disc : 33 1/3 rpm, stereo. ; 12 in. side 1, band 5

Publisher Number: Elektra 60774-1

Performer: Performed by Tracy Chapman.

Copyright Claimant: S B K April Music, Inc., Purple Rabbit Music

Date of Creation: 1983

Date of Publication: 1988-03-01

Date in Notice: notice on lyrics: 1983

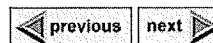
Authorship on Application: words & music: Tracy Chapman.

Previous Registration: Prev. reg. 1983, PAu 556-755.

Names: Chapman, Tracy

SBK April Music, Inc.

Purple Rabbit Music



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EXHIBIT 6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRACY CHAPMAN,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NO. 2:18-CV-09088-VAP-SS
)	
ONIKA TANYA MARAJ P/K/A)	
NICKI MINAJ AND DOES 1-10,)	
)	
DEFENDANTS.)	
_____)	

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
VIDEOTAPED DEPOSITION OF ONIKA TANYA MARAJ
Taken on September 23, 2019



Court Reporting • Video • Trial Presentation

LA 310.230.9700 • SF 415.445.0105
els@elitigationservices.com • www.elitigationservices.com

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 9

1	Maura Gierl, for the plaintiff.	10:27:01
2	MR. ROSS: Pete Ross, for Onika Maraj.	10:27:04
3	MR. LAURITSEN: Eric Lauritsen, for Onika	10:27:08
4	Maraj.	10:27:10
5	MS. LaPOLT: Dina LaPolt, for Onika Maraj.	10:27:12
6	MS. PRICE: Danielle Price, for Onika	10:27:16
7	Maraj.	10:27:16
8	MR. BRUCE: Tommy Bruce, for Onika Maraj.	10:27:17
9	THE VIDEO OPERATOR: Thank you. The court	10:27:22
10	reporter today is Lori Byrd with eLitigation	10:27:23
11	Services, Inc.	10:27:25
12	Will the reporter please swear in the	10:27:26
13	witness and we can begin.	10:27:26
14	-----	10:27:26
15	ONIKA TANYA MARAJ, p/k/a NICKI MINAJ,	10:27:26
16	called as a witness in this case,	10:27:26
17	having been first duly sworn	10:27:26
18	upon her oath, testified as follows:	10:27:26
19	EXAMINATION	10:27:26
20	BY MR. JACOBS:	10:27:39
21	Q. Good morning, Ms. Maraj.	10:27:39
22	A. Good morning.	10:27:42
23	Q. Can you please state your full name for the	10:27:42
24	record.	10:27:44
25	A. Onika Tanya Maraj.	10:27:45

1 song getting done. 10:42:57

2 Q. Anything else? 10:43:00

3 A. No. 10:43:02

4 Q. Did you look for any communications you had 10:43:20

5 with a disc jockey named "Flex"? 10:43:24

6 A. Yes. 10:43:31

7 Q. And did you have any? 10:43:32

8 A. No. 10:43:37

9 Q. Who is Flex? 10:43:43

10 A. A DJ. 10:43:46

11 Q. Do you know his full name? 10:43:47

12 A. No. 10:43:49

13 Q. Where is he a DJ? 10:43:50

14 A. In New York. 10:43:51

15 Q. Do you know what radio station? 10:43:54

16 A. Hot 97. 10:43:58

17 (REPORTER REQUESTED CLARIFICATION) 10:44:00

18 THE WITNESS: Hot 97. 10:44:01

19 BY MR. JACOBS: 10:44:02

20 Q. How long have you known him for? 10:44:03

21 A. I think about, maybe over 10 years. 10:44:04

22 Q. Have you ever texted with Flex? 10:44:27

23 A. Yes. 10:44:28

24 Q. When was the last time you texted him? 10:44:29

25 A. About a day or two ago. 10:44:31

1 spoke about the case on the phone, but we spoke 10:45:46

2 about the case on social media prior to that. 10:45:49

3 Q. When was that? 10:45:52

4 A. I don't remember the date. 10:45:53

5 Q. Do you recall generally what the discussion 10:45:56

6 was over social media you referenced? 10:45:58

7 A. Yes. It was about him saying that he was 10:46:02

8 about to play a song that was, like, a -- an 10:46:04

9 exclusive song. And I -- that was on Twitter. 10:46:09

10 And I went on Instagram and said: Only 10:46:14

11 play the songs that are official album cuts from my 10:46:17

12 album, because my album had just come out. And that 10:46:20

13 was it. 10:46:25

14 Q. Did you have any other communication with 10:46:27

15 him around that same time in any other way? 10:46:28

16 A. Not that I can recall. 10:46:34

17 Q. You don't remember being on the phone with 10:46:37

18 him around that time? 10:46:39

19 A. No. 10:46:42

20 Q. And you don't remember exchanging any text 10:46:42

21 messages -- text messages with him around that time? 10:46:45

22 A. No. 10:46:48

23 Q. Do you recall being on the phone with him 10:46:51

24 between that time and the time you just reached out 10:46:54

25 to him regarding this document you referenced? 10:46:56

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
Onika Tanya Maraj

Page 28

1 will send someone to hear all of your music to see 10:52:43
2 if there's anything that should -- you know, that 10:52:47
3 there's something that maybe there's a sample in the 10:52:51
4 music that you didn't know about or something like 10:52:53
5 that. 10:52:55

6 So they'll send someone to your recording 10:52:56
7 studio, in this case, that will listen to the music. 10:52:59

8 And I forgot the name of the person's 10:53:05
9 occupation. But it's -- deals with ... I think 10:53:07
10 there's a person that I deal with, his name is 10:53:17
11 Joshua Berkman. He is the person that we usually 10:53:19
12 use as the middle man, because he's like the A&R for 10:53:24
13 my projects in the past. And he usually goes about 10:53:29
14 finding the person hiring -- I think it's a 10:53:35
15 musicologist. 10:53:38

16 Q. Does Joshua Berkman work for your record 10:53:46
17 label? 10:53:49

18 A. Yes. 10:53:50

19 Q. And what's the label? 10:53:50

20 A. Republic Records. 10:53:52

21 Q. Are you in direct communication -- 10:54:17
22 withdrawn. 10:54:19

23 Do you talk to Josh about -- Joshua Berkman 10:54:20
24 about his efforts to clear songs for you? 10:54:23

25 A. Yes. 10:54:27

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 37

1 Q. Before you got to his studio, did you have 11:05:36
2 an understanding that -- that there was an interest 11:05:39
3 in doing a version of the Tracy Chapman composition? 11:05:44

4 A. No. 11:05:50

5 Q. So what happened next after you went back 11:05:57
6 to L.A., in relation to your recording vocals for 11:05:59
7 the song? 11:06:04

8 A. I recorded -- oh. 11:06:07

9 I pulled up the Shelly Thunder song. I 11:06:11
10 pulled that up to hear it on YouTube. And I then 11:06:14
11 recorded it in my studio, singing the hook -- 11:06:23
12 singing the chorus of the song. 11:06:29

13 Q. When you say your studio, which studio is 11:06:31
14 that? 11:06:34

15 A. Glenwood. 11:06:35

16 Q. And where is that located? 11:06:36

17 A. I believe it's in Glenwood, California. 11:06:37

18 Q. When you went to look at the Shelly Thunder 11:06:45
19 video, did you notice any references to Tracy 11:06:47
20 Chapman? 11:06:50

21 A. Not one. 11:06:52

22 Q. Do you recall when you recorded the vocals 11:07:01
23 for your song "Sorry"? 11:07:05

24 A. I don't recall what month that was. 11:07:09

25 Q. It was in 2018, though? 11:07:12

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
Onika Tanya Maraj

Page 38

1 A. Actually, if my album came out in 2018, I 11:07:20

2 believe I recorded the song in 2017. Because it was 11:07:25

3 not originally for my album, it was for his album. 11:07:31

4 So I think that it was a lot sooner than 11:07:36

5 when my album came out that I actually cut those 11:07:39

6 vocals. 11:07:42

7 Q. Did the song go out on Nas's album? 11:07:47

8 A. No. 11:07:50

9 Q. Do you know why not? 11:07:51

10 A. I don't know. I don't know. 11:07:55

11 Q. Did you ever have a conversation with 11:08:07

12 anybody about releasing your song "Sorry" on the 11:08:09

13 album "Queen"? 11:08:15

14 A. Did I have a conversation with anyone? 11:08:17

15 Q. Yes. 11:08:19

16 A. Yes. 11:08:20

17 Q. Who did you discuss that with? 11:08:20

18 A. Everyone that I think I would have come in 11:08:23

19 contact with about my album. 11:08:25

20 Q. And did you want to put it on your album 11:08:29

21 "Queen"? 11:08:31

22 A. Yes. 11:08:33

23 Q. And how did it come about that it didn't go 11:08:35

24 on -- withdrawn. 11:08:41

25 How did it come about that you got Nas's 11:08:42

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
Onika Tanya Maraj

Page 61

1 through your recording process? 11:43:55

2 A. Yes.

11:43:58

3 Q. Are the different takes maintained at the 11:44:27

4 studio where you recorded, or are they somewhere 11:44:29

```
5     else?                                     11:44:36
```

6 A. The takes are on whatever the -- whatever 11:44:38

7 device we record on. 11:44:41

8 Q. Do you recall what device you recorded 11:44:44

9 "Sorry" on? 11:44:45

10 A. No.

11:44:47

11 Q. Who performs on "Sorry"? 11:45:04

12 A. Myself and Nas. 11:45:07

13 Q. Are there any musicians? 11:45:14

14 A. Not that I know of. 11:45:16

11:45:52

20 Q. At the time you recorded it, you intended 11:45:54

21 it to go out on his album -- 11:45:58

22 A. Yes. 11:46:00

```
23      0.  -- is that correct?                                11:46:00
```

24 Did you record an explicit version of 11:46:33

```
25      "Sorry"?                                     11:46:36
```


CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 62

1 A. The original version is explicit. 11:46:38

2 Q. Is there a clean version of the song? 11:46:52

3 A. I'm not sure. 11:46:55

4 Q. Do you know somebody named Chris Athens? 11:47:05

5 A. The name sounds familiar, but I'm not sure. 11:47:09

6 Q. Do you know of a company called Chris 11:47:13

7 Athens Masters? 11:47:14

8 A. Not off the top of my head. 11:47:18

9 Q. Do you know somebody named Curt Bradley? 11:47:24

10 A. No. 11:47:28

11 Q. Do you know somebody named David Castro? 11:47:29

12 A. No. 11:47:32

13 Q. Dave Huffman? 11:47:34

14 A. No. 11:47:37

15 MR. ROSS: Let's take a break. 11:47:50

16 MR. JACOBS: Do you want to take a break? 11:47:51

17 MR. ROSS: Yes, please. 11:47:53

18 MR. JACOBS: Sure. 11:47:54

19 THE VIDEO OPERATOR: Here marks the end of 11:47:56

20 tape number 1 in the video deposition of Ms. Maraj. 11:47:57

21 And we're off the record at 11:48 A.M. 11:48:00

22 (RECESS TAKEN FROM 11:48 TO 11:59 A.M.) 11:48:50

23 THE VIDEO OPERATOR: Here marks the 11:59:50

24 beginning of tape number 2 in the video deposition 11:59:51

25 of Ms. Maraj. And we're back on record at 11:59:54

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 63

1	11:59 A.M.	11:59:57
2	BY MR. JACOBS:	12:00:00
3	Q. Ms. Maraj, do you know somebody named Kenny	12:00:02
4	Meiselas?	12:00:05
5	A. Yes.	12:00:07
6	Q. And who is he?	12:00:08
7	A. He was my attorney.	12:00:09
8	Q. He no longer is your attorney?	12:00:10
9	A. That's correct.	12:00:12
10	Q. When did he stop being your attorney?	12:00:13
11	A. I'm not sure of the exact date. Sometime	12:00:15
12	this year.	12:00:17
13	Q. Before summer? Or since summer?	12:00:22
14	A. I don't remember.	12:00:24
15	Q. Do you know somebody named Stuart Prager?	12:00:25
16	A. I'm not sure.	12:00:28
17	Q. Have you heard the name before?	12:00:36
18	A. I'm not sure.	12:00:38
19	Q. Are you aware of any efforts by Kenny	12:00:49
20	Meiselas to clear the use of the Tracy Chapman	12:00:50
21	composition "Sorry"?	12:00:56
22	A. I'm not sure.	12:01:00
23	Q. You're not sure, meaning you don't have any	12:01:01
24	recollection of any effort?	12:01:04
25	A. Could you repeat the question?	12:01:06

1 Q. When you say you're not sure, does that 12:01:07
2 mean you have no recollection of him making any such 12:01:08
3 effort? 12:01:11

4 A. Right. 12:01:12

5 MR. JACOBS: I'd like to mark as 12:02:19

6 Plaintiff's Exhibit 102 a text chain. It was 12:02:20

7 produced by the defendant with Bates number 12:02:29

8 MINAJ000032 through 37. 12:02:34

9 (DEPOSITION EXHIBIT 102 MARKED FOR 12:02:50

10 IDENTIFICATION) 12:02:52

11 BY MR. JACOBS: 12:02:59

12 Q. Ms. Maraj, if you could take a minute and 12:03:01

13 look at Plaintiff's Exhibit 102 and let me know 12:03:02

14 after you've done so, I'd appreciate it. 12:03:06

15 A. (Perusing document) 12:03:09

16 Q. Do you recognize Plaintiff's Exhibit 102? 12:03:25

17 A. Yes. 12:03:28

18 Q. What is it? 12:03:28

19 A. A text. 12:03:29

20 Q. A text between whom? 12:03:30

21 A. Myself and Nas. 12:03:32

22 Q. Are you -- are your texts in the darker 12:03:36

23 blue, or the lighter shade? 12:03:42

24 A. Blue. 12:03:45

25 CO [REDACTED] [REDACTED]

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
Onika Tanya Maraj

Page 65

1	"Tell that lady clear the damned	12:04:06
2	song."	12:04:10
3	Do you see that?	12:04:11
4	A. Yes.	12:04:12
5	Q. Do you have an understanding of who he's	12:04:12
6	referring to?	12:04:14
7	A. Yes.	12:04:14
8	Q. Who's he referring to?	12:04:16
9	A. I believe he's referring to Tracy Chapman.	12:04:18
10	Q. And that's your response immediately	12:04:30
11	following it:	12:04:32
12	"SMH. By the way, did you ever	12:04:33
13	approve a mix?"	12:04:35
14	A. Yes.	12:04:40
15	Q. When you say "did you ever approve a mix"	12:04:47
16	to Nas, what are you referring to?	12:04:50
17	A. A mix of the song.	12:04:53
18	Q. A mix of the song "Sorry"?	12:04:54
19	A. Yes.	12:04:55
20	Q. The next page refers -- withdrawn.	12:05:16
21	The next page appears to reflect a mix --	12:05:19
22	or that you sent him a mix.	12:05:23
23	Is that correct?	12:05:25
24	A. Yes.	12:05:26
25	Q. Did this mix contain the rap verse that you	12:05:39

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 66

1 wrote and recorded? 12:05:42

2 A. Yes. 12:05:44

3 Q. To your knowledge, had Nas heard that 12:06:06

4 version prior to this date? 12:06:09

5 A. I'm not sure. 12:06:11

6 Q. The reference -- withdrawn. 12:06:27

7 Do you see the reference to "Queensbridge" 12:06:30

8 on page 2 of Plaintiff's Exhibit 102? 12:06:32

9 A. Yes. 12:06:35

10 Q. Do you know what that's a reference to? 12:06:35

11 A. I'm not sure. It looks like it may have 12:06:44

12 been the password. 12:06:46

13 Q. On the next page, am I correct that you 12:07:22

14 wrote: 12:07:25

15 "We'll go in and make the changes 12:07:27

16 if you want, then we can go from 12:07:30

17 there"? 12:07:32

18 A. Yes. 12:07:35

19 Q. Did you, in fact, make changes to your mix 12:07:36

20 based on the comments he made? 12:07:39

21 A. I don't think so. 12:07:44

22 Q. Why didn't you? 12:07:52

23 A. I'm not sure. 12:07:53

24 Q. On the following page, am I correct that 12:08:11

25 you're saying: 12:08:13

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 67

1	"I'm in the booth. I'll hit you	12:08:15
2	tomorrow"?	12:08:18
3	A. Yes.	12:08:20
4	Q. Do you recall what you were in the booth	12:08:20
5	for?	12:08:22
6	A. No.	12:08:22
7	Q. Below that there's a reference to --	12:08:37
8	withdrawn.	12:08:42
9	Below that, am I correct that Nas says:	12:08:42
10	I'll go in the lab Sunday or	12:08:45
11	Monday and adlib the hook?	12:08:48
12	MR. ROSS: That's not what the document	12:08:53
13	says. You misread it.	12:08:54
14	BY MR. JACOBS:	12:09:01
15	Q. Do you see the text below the one you sent	12:09:02
16	where it says:	12:09:05
17	"I'm in the booth, I'll hit you	12:09:05
18	tomorrow."	12:09:08
19	It goes on to say:	12:09:09
20	"Good morning. I'll go in the lab	12:09:11
21	Sunday night or Monday and adlib	12:09:15
22	the hook. Just see if we like it.	12:09:17
23	If it's not [sic] all good"?	12:09:20
24	A. "If not, it's all good"? Yes.	12:09:22
25	Q. And is that something that Nas wrote to	12:09:24

Onika Tanya Maraj

CONFIDENTIAL

18

Onika Tanya Maraj

: 43

060

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 77

1 Q. Why didn't you call him at the time? 12:24:50

2 A. Because I communicated on here. That's 12:24:52

3 what would have been my text. 12:24:57

4 "You can only play official album 12:24:58

5 material." 12:25:00

6 And that's what I said to him on Instagram. 12:25:02

7 Q. And what do you mean by: 12:25:05

8 "You can only play official album 12:25:06

9 material, sir"? 12:25:09

10 A. Meaning that I want him to play album 12:25:11

11 songs, songs that are on my album. 12:25:13

12 Q. Did you have an understanding when you saw 12:25:23

13 his post what he was referring to in terms of what 12:25:25

14 song he was planning to play? 12:25:31

15 A. It was confusing, because it -- it's 12:25:35

16 obvious that I did a song with Nas from my album. 12:25:38

17 So when I saw this and he said: "Nicki 12:25:44

18 Minaj feature Nas, not on her album," I could only 12:25:47

19 guess that he was going to try to play the song that 12:25:52

20 I had with Nas. 12:25:56

21 Because he put a -- he put up a photo with 12:25:57

22 me and Nas, and said: "Nicki Minaj feature Nas, and 12:25:59

23 it's not on her album." 12:26:06

24 Q. Are there any songs on Queen that feature 12:26:08

25 Nas? 12:26:11

1 A. No. 12:26:11

2 Q. So just so I'm clear, when you saw this 12:26:13

3 post, did you have an understanding that this was 12:26:19

4 "Sorry" he was referring to? 12:26:22

5 A. I didn't understand that. But it was one 12:26:25

6 of my guesses. 12:26:28

7 And the other thing is, I didn't know if he 12:26:30

8 was just, like, joking, either. 12:26:32

9 I didn't know if he really had music, or if 12:26:38

10 he was just playing my album. Because my album had 12:26:40

11 just come out. So it was a bit weird. 12:26:43

12 But he's a very funny person. So I 12:26:46

13 didn't -- so I wasn't sure if he was kidding, if he 12:26:52

14 was serious, and what he was going to play, because 12:26:56

15 he didn't say the song name or anything. 12:26:58

16 So I was, like, maybe he's just doing this 12:27:01

17 for people to enjoy a show. I wasn't sure. 12:27:03

18 Q. Do you have an understanding about how he 12:27:15

19 got a recording of "Sorry"? 12:27:19

20 A. No. 12:27:20

21 Q. So he didn't tell you how he got a copy of 12:27:23

22 it? 12:27:25

23 A. No. 12:27:26

24 Q. Do you have an understanding about how 12:27:39

25 anybody affiliated with that radio station may have 12:27:41

1 gotten a copy of a recording of "Sorry"? 12:27:43

2 A. Probably the same way everyone gets music 12:27:45

3 that's unreleased. You just have -- I mean, songs 12:27:48

4 just leak. People get songs through e-mails, texts. 12:27:54

5 You could mistakenly send a song to the 12:27:59

6 wrong phone number. Someone can have it that way. 12:28:01

7 A billion different reasons how these songs 12:28:04

8 leak, because they're going back and forth between 12:28:08

9 so many different people, being mixed, being 12:28:10

10 mastered, being sent to people for approval, 12:28:14

11 lawyers, labels. 12:28:16

12 I have no clue. Songs get leaked every 12:28:18

13 day. 12:28:21

14 In fact, my song got leaked last week. Two 12:28:21

15 songs got leaked last week. I have no clue how. 12:28:24

16 Q. With respect to "Sorry" specifically, do 12:28:28

17 you know of anybody who leaked it to anybody? 12:28:31

18 A. No. 12:28:33

19 Q. So your reference to the possibility of 12:28:35

20 leaks, you have no knowledge that that actually 12:28:38

21 happened with "Sorry"? 12:28:40

22 A. It's clear that it happened, because how 12:28:41

23 would he have gotten the song? 12:28:43

24 How would anybody have a song unless it 12:28:45

25 leaked? 12:28:47

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 80

1 Q. But you know of nobody who actually leaked 12:28:48
2 it? 12:28:50

3 A. Correct. 12:28:51

4 Q. Did you undertake any investigation to 12:28:55
5 determine if the song was leaked? 12:28:58

6 A. An investigation? What do you mean? 12:29:00

7 Q. Did you have anybody look into whether the 12:29:02
8 song was leaked? 12:29:05

9 A. Yes. Everyone looked into it, to my 12:29:06
10 knowledge. Everyone on the label and management 12:29:08
11 looked into it. 12:29:10

12 Q. So when you say "everybody in management," 12:29:11
13 who are you referring to? 12:29:14

14 A. Do you want me to name the people at the 12:29:19
15 management company? 12:29:20

16 Q. The people that you believe were involved 12:29:21
17 in investigating whether there was a leak, yes. 12:29:23

18 A. I don't know if this is an investigation. 12:29:25
19 I just know that they were made aware my song was -- 12:29:27
20 an unreleased song was played on the radio. And we 12:29:30
21 discussed how did the song come out, how was the 12:29:33
22 song played if it's not on my album. 12:29:36

23 Q. Do you know of any steps taken by anybody 12:29:38
24 at management or the label to determine if, in fact, 12:29:40
25 there was a leak of the song? 12:29:43

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Onika Tanya Maraj

Page 81

1 A. Well, normally, what they do -- I don't 12:29:46
2 know specifically with this song. 12:29:48

3 Normally, they just try to go online and 12:29:50
4 see what was the first source of the song coming 12:29:52
5 out. 12:29:54

6 So whether it was like a blog who leaked 12:29:55
7 it; whether it was someone's -- a personal person's 12:29:57
8 Instagram page who may have leaked the song. 12:30:03

9 They'll go and see if they can Google what 12:30:07
10 radio station played the song first. 12:30:09

11 So I mean, it wasn't anything specifically 12:30:11
12 different with this song, to my knowledge. 12:30:13

13 Q. Let me ask you one more time, and then I'll 12:30:18
14 move on: 12:30:20

15 Are you aware, with respect to "Sorry," in 12:30:21
16 particular, of any steps taken by anybody to 12:30:24
17 investigate whether there was a leak, and by whom? 12:30:26

18 A. Could you repeat the question? 12:30:34

19 Q. Sure. 12:30:35

20 Are you aware with respect to "Sorry," in 12:30:36
21 particular, of any steps taken by anybody to 12:30:39
22 investigate whether there was a leak, and by whom? 12:30:41

23 A. Because of this, I believe that steps were 12:30:48
24 taken on both ends to find out how this radio 12:30:51
25 station obtained the song. 12:30:55

1 So I don't know specifically what we did on 12:30:57

2 our end, but we know that this was an issue. 12:30:59

3 Q. When you say "steps were taken on both 12:31:05
4 ends," you mean in your team, and on the radio's 12:31:07
5 side? 12:31:13

6 A. No. On Tracy Chapman's side. 12:31:13

7 Q. And other than what you've told me already 12:31:24
8 regarding what you think may have happened on your 12:31:27
9 side, was there anything else that you're aware of 12:31:28
10 that was done on your side to investigate any leaks? 12:31:31

11 A. Other than what the leaks department does 12:31:34
12 at a record company, no. 12:31:36

13 And I don't know what steps they actually 12:31:38
14 take, but I know that they investigate in their own 12:31:40
15 way. 12:31:42

16 Q. Did you ask Nas if he gave the song to 12:32:14
17 anybody? 12:32:17

18 A. I don't remember asking him that. 12:32:19

19 Q. Do you know anybody else at Hot 97, other 12:32:30
20 than Nas -- sorry, withdrawn. 12:32:33

21 Do you know anybody at Hot 97, other than 12:32:36
22 Flex? 12:32:39

23 A. Yes. 12:32:44

24 Q. Who? 12:32:44

25 A. People that work at the station. 12:32:45

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
Onika Tanya Maraj

Page 92

1 STATE OF _____)

2)

3 COUNTY OF _____)

4

5

6 DEPONENT'S DECLARATION

7

8 I certify under penalty of perjury that
9 the foregoing is true and correct, with addition of
10 correction page, if any corrections are made.

11

12

13

14 Executed at {city>>>}_____on

15 {date>>>}_____.

16

17

18

19

20

ONIKA TANYA MARAJ

21

(Signature of Deponent)

22

23

24

25

EXHIBIT 7

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7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION
10

11 TRACY CHAPMAN,

12 Plaintiff,

13 vs.

14 ONIKA TANYA MARAJ p/k/a NICKI
15 MINAJ and DOES 1-10,,
16

Defendants.
17
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Case No. 2:18-cv-9088-VAP-SS

**ANSWER OF DEFENDANT ONIKA
TANYA MARAJ**

Trial Date: None Set

1 Defendant Onika Tanya Maraj (“Defendant”), for herself and no other party,
2 hereby answers the complaint filed in this action by plaintiff Tracy Chapman (the
3 “Complaint”), as follows:

4 1. Defendant denies that she has infringed, willfully or otherwise, any
5 copyrights held by Plaintiff and, on that basis, denies the allegations in paragraph 1
6 of the Complaint.

7 2. Defendant admits that her representatives made several requests for
8 permission to release a musical interpolation that used music and lyrics from the
9 Composition. Except as expressly admitted, Defendant denies each and every
10 allegation in paragraph 2 of the Complaint.

11 3. Defendant admits that Chapman denied her requests for permission to
12 release a musical interpolation that used music and lyrics from the Composition.
13 Except as expressly admitted, Defendant denies each and every allegation in
14 paragraph 3 of the Complaint.

15 4. Defendant denies the allegations in paragraph 4 of the Complaint.

16 5. Defendant admits the allegations in paragraph 5 of the Complaint.

17 6. Defendant admits the allegations in paragraph 6 of the Complaint.

18 7. Defendant admits that this Court has personal jurisdiction over her.
19 Except as expressly admitted, Defendant denies each and every allegation in
20 paragraph 7 of the Complaint.

21 8. Defendant admits that venue is proper as to her. Except as expressly
22 admitted, Defendant denies each and every allegation in paragraph 8 of the
23 Complaint.

24 9. Defendant lacks information sufficient to form a belief as to the truth of
25 the allegations in paragraph 9 of the Complaint and, on that basis, denies them.

26 10. Defendant admits the allegations in paragraph 10 of the Complaint.

27 11. Defendant lacks information sufficient to form a belief as to the truth of
28 the allegations in paragraph 11 of the Complaint and, on that basis, denies them.

1 12. Defendant lacks information sufficient to form a belief as to the truth of
2 the allegations in paragraph 12 of the Complaint and, on that basis, denies them.

3 13. Defendant lacks information sufficient to form a belief as to the truth of
4 the allegations in paragraph 13 of the Complaint and, on that basis, denies them.

5 14. Defendant lacks information sufficient to form a belief as to the truth of
6 the allegations in paragraph 14 of the Complaint and, on that basis, denies them.

7 15. Defendant lacks information sufficient to form a belief as to the truth of
8 the allegations in paragraph 15 of the Complaint and, on that basis, denies them.

9 16. Defendant lacks information sufficient to form a belief as to the truth of
10 the allegations in paragraph 16 of the Complaint and, on that basis, denies them.

11 17. Defendant lacks information sufficient to form a belief as to the truth of
12 the allegations in paragraph 17 of the Complaint and, on that basis, denies them.

13 18. Defendant lacks information sufficient to form a belief as to the truth of
14 the allegations in paragraph 18 of the Complaint and, on that basis, denies them.

15 19. Defendant admits that she recorded a musical interpolation (“*Sorry*”)
16 that incorporated music and lyrics from the Composition. Defendant admits that she
17 hoped to include *Sorry* on her album *Queen*, which was released in the United States
18 on August 10, 2018. Except as expressly admitted, Defendant denies each and
19 every allegation in paragraph 19 of the Complaint.

20 20. Defendant admits that *Sorry* incorporates music and lyrics from the
21 Composition. Defendant admits that she made a recording of *Sorry* without first
22 seeking authorization to do so. Except as expressly admitted, Defendant denies each
23 and every allegation in paragraph 20 of the Complaint.

24 21. Defendant denies the allegations in paragraph 21 of the Complaint.

25 22. Defendant finds unintelligible the allegations of paragraph 22 of the
26 Complaint and, on that basis, denies them.

27 23. Defendant admits that she recorded *Sorry* before her representatives
28 sought Chapman’s consent to use portions of the Composition in an interpolation.

1 Except as expressly admitted, Defendant denies each and every allegation in
2 paragraph 23 of the Complaint.

3 24. Defendant admits the allegations in paragraph 24 of the Complaint.

4 25. Defendant admits the allegations in paragraph 25 of the Complaint.

5 26. Defendant admits the allegations in paragraph 26 of the Complaint.

6 27. Defendant admits the allegations in paragraph 27 of the Complaint.

7 28. Defendant admits the allegations in paragraph 28 of the Complaint.

8 29. Defendant denies the allegations in paragraph 29 of the Complaint.

9 30. Defendant lacks information sufficient to form a belief as to the truth of
10 the allegations in paragraph 30 of the Complaint and, on that basis, denies them.

11 31. Defendant lacks information sufficient to form a belief as to the truth of
12 the allegations in paragraph 31 of the Complaint and, on that basis, denies them.

13 32. Defendant denies there was an infringing work. Defendant lacks
14 information sufficient to form a belief as to the truth of the remaining allegations in
15 paragraph 32 of the Complaint and, on that basis, denies them.

16 33. Defendant lacks information sufficient to form a belief as to the truth of
17 the allegations in paragraph 33 of the Complaint and, on that basis, denies them.

18 34. Defendant admits that, on August 10, 2018, Defendant released *Queen*
19 in the United States. Defendant admits that *Sorry* was not on the album. Except as
20 expressly admitted, Defendant denies each and every allegation in paragraph 34 of
21 the Complaint.

22 35. Defendant admits the allegations in paragraph 35 of the Complaint.

23 36. Defendant lacks information sufficient to form a belief as to the truth of
24 the allegations in paragraph 36 of the Complaint and, on that basis, denies them.

25 37. Defendant denies the allegations in paragraph 37 of the Complaint.

26 38. Defendant lacks information sufficient to form a belief as to the truth of
27 the allegations in paragraph 38 of the Complaint and, on that basis, denies them.

28 39. Defendant lacks information sufficient to form a belief as to the truth of

1 the allegations in paragraph 39 of the Complaint and, on that basis, denies them.

2 40. Defendant lacks information sufficient to form a belief as to the truth of
3 the allegations in paragraph 40 of the Complaint and, on that basis, denies them.

4 41. Defendant lacks information sufficient to form a belief as to the truth of
5 the allegations in paragraph 41 of the Complaint and, on that basis, denies them.

6 42. Defendant lacks information sufficient to form a belief as to the truth of
7 the allegations in paragraph 42 of the Complaint and, on that basis, denies them.

8 43. Defendant lacks information sufficient to form a belief as to the truth of
9 the allegations in paragraph 43 of the Complaint and, on that basis, denies them.

10 44. Defendant lacks information sufficient to form a belief as to the truth of
11 the allegations in paragraph 44 of the Complaint and, on that basis, denies them.

12 45. Defendant lacks information sufficient to form a belief as to the truth of
13 the allegations in paragraph 45 of the Complaint and, on that basis, denies them.

14 46. Defendant lacks information sufficient to form a belief as to the truth of
15 the allegations in paragraph 46 of the Complaint and, on that basis, denies them.

16 47. Paragraph 47 of the Complaint assumes the existence of a hypothetical
17 decision maker. For this reason, Defendant lacks information sufficient to form a
18 belief as to the truth of the allegations in paragraph 47 of the Complaint and, on that
19 basis, denies them.

20 48. Defendant denies the allegations in paragraph 48 of the Complaint.

21 **ANSWER TO FIRST CLAIM FOR RELIEF**

22 49. Defendant incorporates her responses to paragraphs 1 through 48 of the
23 Complaint.

24 50. Defendant lacks information sufficient to form a belief as to the truth of
25 the allegations in paragraph 50 of the Complaint and, on that basis, denies them.

26 51. Defendant admits that Chapman, through her representatives, denied
27 Defendant's requests to license the Composition for use in *Sorry*. Except as
28 expressly admitted, Defendant denies each and every allegation in paragraph 51 of

1 the Complaint.

2 52. Defendant denies the allegations in paragraph 52 of the Complaint.

3 53. Defendant denies the allegations in paragraph 53 of the Complaint.

4 54. Defendant denies the allegations in paragraph 54 of the Complaint.

5 55. Defendant denies the allegations in paragraph 55 of the Complaint.

6 56. Defendant denies the allegations in paragraph 56 of the Complaint.

7 57. Defendant denies the allegations in paragraph 57 of the Complaint.

8
9 **FIRST AFFIRMATIVE DEFENSE**

10 **(Fair Use)**

11 1. Defendant's use of the Composition in connection with the making of
12 *Sorry* constituted fair use.

13 **SECOND AFFIRMATIVE DEFENSE**

14 **(Failure to Register Copyright)**

15 2. Defendant is informed and believes and thereon alleges that Plaintiff
16 has not properly registered her claim to the copyright in the Composition.

17 **THIRD AFFIRMATIVE DEFENSE**

18 **(Standing)**

19 3. Defendant is informed and believes and thereon alleges that Plaintiff is
20 not the owner of the copyright in issue and therefore lacks standing to bring the
21 claims alleged in the Complaint.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 **(Failure to Mitigate)**

24 4. Plaintiff failed to mitigate the damages alleged in the Complaint and
25 therefore is not entitled to the alleged damages, or any such damages must be
26 reduced due to Plaintiff's failure to mitigate.

FIFTH AFFIRMATIVE DEFENSE

(De Minimus)

5. Plaintiff is entitled to recover nothing, because the alleged infringement is de minimus.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by reason of her Complaint and that judgment be rendered in favor of Defendant;

2. That Defendant be awarded her attorneys' fees and costs of suit incurred in defense of this action; and

3. For such other and further relief as the Court deems just and proper.

DATED: February 22, 2019

BROWNE GEORGE ROSS LLP

Peter W. Ross

Eric C. Lauritsen

By: 

Peter W. Ross

Attorneys for Defendant Onika Tanya Maraj

DEMAND FOR JURY TRIAL

Defendant hereby demands trial by jury.

DATED: February 22, 2019

BROWNE GEORGE ROSS LLP

Peter W. Ross

Eric C. Lauritsen

By: 

Peter W. Ross

Attorneys for Defendant Onika Tanya Maraj

EXHIBIT 8

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION
10

11 TRACY CHAPMAN,
12 Plaintiff,
13

14 vs.

15 ONIKA TANYA MARAJ p/k/a NICKI
MINAJ and DOES 1-10,
16 Defendants.
17

Case No. 2:18-cv-9088-VAP-SS
Hon. Virginia A. Phillips

**DEFENDANT MARAJ'S
SUPPLEMENTAL RESPONSES
AND OBJECTIONS TO PLAINTIFF
CHAPMAN'S FIRST SET OF
REQUESTS FOR ADMISSIONS**

18 Date Filed: October 22, 2018
Disc. Cutoff: November 30, 2019
FPC: February 10, 2020
19 Trial Date: February 25, 2020
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1 PROPOUNDING PARTY: PLAINTIFF TRACY CHAPMAN

2 RESPONDING PARTY: DEFENDANT ONIKA TANYA MARAJ

3 SET NO.: ONE (1)

4 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant Onika
5 Tanya Maraj (“Maraj”) sets forth her objections and responses to plaintiff Tracy
6 Chapman’s (“Chapman”) first set of requests for admissions as follows:

7 **PRELIMINARY STATEMENT**

8 Maraj’s investigation of the facts relating to this case is ongoing. All of the
9 responses contained herein are based on information presently available, and
10 specifically known, to Maraj. It is anticipated that further discovery and
11 investigation will disclose additional facts that may clarify and add meaning to those
12 facts presently known, as well as establish new factual matters, all of which may
13 lead to additions to, changes in, and variations from the responses set forth below.
14 The following responses are given without prejudice to Maraj’s right to produce
15 evidence of subsequently discovered facts or facts that Maraj may later recall.

16 **REQUESTS FOR ADMISSION**

17 **REQUEST FOR ADMISSION NO. 1:**

18 Admit that You recorded the Infringing Work with the intention of releasing
19 it commercially.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

21 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
22 the foregoing objection, and assuming the RFA is referring to the composition and
23 recording “Sorry,” DENY.

24 **REQUEST FOR ADMISSION NO. 2:**

25 Admit that You intended to include the Infringing Work on Your album
26 *Queen*.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

28 Objection: Vague and ambiguous as to time, and Maraj is not aware of any

1 “Infringing Work.” Without waiving the foregoing objection, and assuming the
2 RFA is referring to the composition and recording “Sorry,” ADMIT.

3 **REQUEST FOR ADMISSION NO. 3:**

4 Admit that You recorded the Infringing Work before requesting a License
5 from Plaintiff.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

7 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
8 the foregoing objection, and assuming the RFA is referring to the composition and
9 recording “Sorry,” ADMIT.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that before recording the Infringing Work, You knew that Plaintiff
12 typically did not grant Licenses to use her musical works.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

14 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
15 the foregoing objection, and assuming the RFA is referring to the composition and
16 recording “Sorry,” DENY.

17 **REQUEST FOR ADMISSION NO. 5:**

18 Admit that You knew that You needed a License to use the Composition in
19 the Infringing Work in order to include the Infringing Work on Your album *Queen*.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

21 Objection: Vague and ambiguous as to time, and Maraj is not aware of any
22 “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA
23 is referring to the composition and recording entitled “Sorry,” ADMIT.

24 **REQUEST FOR ADMISSION NO. 6:**

25 Admit that the Infringing Work uses lyrics from the Composition.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

27 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
28 the foregoing objection, and assuming the RFA is referring to the composition and

1 recording "Sorry," ADMIT.

2 **REQUEST FOR ADMISSION NO. 7:**

3 Admit that the Composition's lyrics comprise approximately half of the lyrics
4 of the Infringing Work.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

6 Objection: Maraj is not aware of any "Infringing Work." Without waiving
7 the foregoing objection, and assuming the RFA is referring to the composition and
8 recording "Sorry," DENY.

9 **REQUEST FOR ADMISSION NO. 8:**

10 Admit that the Infringing Work uses a majority of the Composition's lyrics.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

12 Objection: Maraj is not aware of any "Infringing Work." Without waiving
13 the foregoing objection, and assuming the RFA is referring to the composition and
14 recording "Sorry," ADMIT.

15 **REQUEST FOR ADMISSION NO. 9:**

16 Admit that the lyrics of the Infringing Work are set forth in Exhibit 1 to the
17 Complaint.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

19 Objection: Maraj is not aware of any "Infringing Work." Without waiving
20 the foregoing objection, and assuming the RFA is referring to the composition and
21 recording "Sorry," ADMIT.

22 **REQUEST FOR ADMISSION NO. 10:**

23 Admit that the lyrics of the Composition are set forth in Exhibit 1 to the
24 Complaint.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

26 ADMIT.

27 **REQUEST FOR ADMISSION NO. 11:**

28 Admit that the Infringing Work uses at least part of the vocal melody of the

1 Composition.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

3 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
4 the foregoing objection, and assuming the RFA is referring to the composition and
5 recording “Sorry,” ADMIT.

6 **REQUEST FOR ADMISSION NO. 12:**

7 Admit that all Communications posted on Your Social Media Accounts under
8 the handle @nickiminaj are made by You.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

10 DENY.

11 **REQUEST FOR ADMISSION NO. 13:**

12 Admit that any Communications posted on Your Social Media Accounts
13 under the handle @nickiminaj that You do not make are made by Your Agents.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

15 ADMIT.

16 **REQUEST FOR ADMISSION NO. 14:**

17 Admit that, on or about July 31, 2018, You posted the following
18 Communication on Your Social Media Account: “Had no clue [the Infringing
19 Work] sampled the legend #Tracy Chapman – do I keep my date & lose the record?
20 Or do I lose the record & keep my date? [D]o we push #Queen back 1 week (sic)?
21 Ugh! I’m torn, y’all help”.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

23 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
24 the foregoing objection, and assuming the RFA is referring to the composition and
25 recording “Sorry,” ADMIT.

26 **REQUEST FOR ADMISSION NO. 15:**

27 Admit that, on or about July 31, 2018, Your Agents posted the following
28 Communication on Your Social Media Account: “Had no clue [the Infringing

1 Work] sampled the legend #Tracy Chapman – do I keep my date & lose the record?
2 Or do I lose the record & keep my date? [D]o we push #Queen back 1 week (sic)?
3 Ugh! I’m torn, y’all help”.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

5 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
6 the foregoing objection, and assuming the RFA is referring to the composition and
7 recording “Sorry,” DENY.

8 **REQUEST FOR ADMISSION NO. 16:**

9 Admit that, on or about August 1, 2018, You posted the following
10 Communication on Your Social Media Account: “Tracy Chapman, can you please
11 hit me. . . . omg for the love of #Queen”.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

13 ADMIT.

14 **REQUEST FOR ADMISSION NO. 17:**

15 Admit that, on or about August 1, 2018, Your Agents posted the following
16 Communication on Your Social Media Account: “Tracy Chapman, can you please
17 hit me. . . . omg for the love of #Queen”.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

19 DENY.

20 **REQUEST FOR ADMISSION NO. 18:**

21 Admit that, on or about July 31, 2018, You posted the following
22 Communication on Your Social Media Account: “Since I may have asked it wrong.
23 . . . vote. You guys can only imagine how much this means to me. It’s such a
24 perfect body of work . . . love you. Long time”.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

26 ADMIT.

27 **REQUEST FOR ADMISSION NO. 19:**

28 Admit that, on or about July 31, 2018, Your Agents posted the following

1 Communication on Your Social Media Account: “Since I may have asked it wrong.
2 . . . vote. You guys can only imagine how much this means to me. It’s such a
3 perfect body of work . . . love you. Long time”.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

5 DENY.

6 **REQUEST FOR ADMISSION NO. 20:**

7 Admit that, on or about July 31, 2018, You posted the following poll as part
8 of the Communication on Your Social Media Account referenced in Request for
9 Admission Nos. 18 and 19: “Keep date/lose record” and “Keep record/push date1
10 wk [sic]”.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

12 ADMIT.

13 **REQUEST FOR ADMISSION NO. 21:**

14 Admit that, on or about July 31, 2018, Your Agents posted the following poll
15 as part of the Communication on Your Social Media Account referenced in Request
16 for Admission Nos. 18 and 19: “Keep date/lose record” and “Keep record/push
17 date1 wk [sic]”.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

19 DENY.

20 **REQUEST FOR ADMISSION NO. 22:**

21 Admit that the Document attached hereto as **Exhibit B** is a true and correct
22 copy of the Communications referenced in Request for Admission Nos. 18, 19, 20
23 and 21.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

25 ADMIT.

26 **REQUEST FOR ADMISSION NO. 23:**

27 Admit that, on or about August 11, 2018, You posted the following
28 Communication on Your Social Media Account: “Sis said no”.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

ADMIT.

REQUEST FOR ADMISSION NO. 24:

Admit that, on or about August 11, 2018, Your Agents posted the following Communication on Your Social Media Account: “Sis said no”.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

DENY.

REQUEST FOR ADMISSION NO. 25:

Admit that the Communication referenced in Request for Admission Nos. 23, and 24 refer to Plaintiff’s denial of a request to License the Composition for use in the Infringing Work.

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” ADMIT.

REQUEST FOR ADMISSION NO. 26:

Admit that You made a copy of the Infringing Work after it was recorded.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 27:

Admit that Your Agents made a copy of the Infringing Work after it was recorded.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 28:

Admit that You gave a copy of the Infringing Work to Taylor.

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 29:

Admit that Your Agents gave a copy of the Infringing Work to Taylor.

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 30:

Admit that You expected that Taylor would play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Objection: vague and ambiguous as to time, and Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 31:

Admit that Your Agents expected that Taylor would play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry”. Maraj lacks information sufficient to form a belief as to her agents’ expectations.

///

REQUEST FOR ADMISSION NO. 32:

Admit that You asked Taylor to play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 33:

Admit that Your Agents asked Taylor to play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 34:

Admit that You understood that Taylor would play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 34:

Objection: vague and ambiguous as to time, and Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” DENY.

REQUEST FOR ADMISSION NO. 35:

Admit that Your Agents understood that Taylor would play the Infringing Work on HOT 97 FM.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Objection: Maraj is not aware of any “Infringing Work.” Without waiving the foregoing objection, and assuming the RFA is referring to the composition and recording “Sorry,” Maraj lacks information sufficient to form a belief as to her agents’ understanding.

1 **REQUEST FOR ADMISSION NO. 36:**

2 Admit that, on August 11, 2018, one or more of Taylor's Social Media
3 Accounts contained the Communication, "Shhhhhhhh!!!! TONIGHT 7PM!!! NICKY
4 GAVE ME SOMETHING!!! @nickiminaj ft @nas !!! (NOT ON HER ALBUM!)
5 GONNA STOP THE CITY TONIGHT!!!!!!!!!!!!!!!!!!!!!!".

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

7 Maraj lacks sufficient information and belief to either admit or deny the
8 request and on that basis denies it.

9 **REQUEST FOR ADMISSION NO. 37:**

10 Admit that the Document attached hereto as **Exhibit C** is a true and correct
11 copy of the Communication referenced in Request for Admission No. 36.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

13 Maraj lacks sufficient information and belief to either admit or deny the
14 request and on that basis denies it.

15 **REQUEST FOR ADMISSION NO. 38:**

16 Admit that, on August 11, 2018, one or more of Taylor's Social Media
17 Accounts contained the Communication, "Shhhhhhhh!!!! TONIGHT 7PM!!! NICKI
18 GAVE ME SOMETHING!!! @nickiminaj ft @nas !!! (NOT ON HER ALBUM!)
19 GONNA STOP THE CITY TONIGHT!!!!!!!!!!!!!!!!!!!!!!".

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

21 Maraj lacks sufficient information and belief to either admit or deny the
22 request and on that basis denies it.

23 **REQUEST FOR ADMISSION NO. 39:**

24 Admit that the Document attached hereto as **Exhibit C** is a true and correct
25 copy of the Communication referenced in Request for Admission No. 38.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

27 Maraj lacks sufficient information and belief to either admit or deny the
28 request and on that basis denies it.

1 **REQUEST FOR ADMISSION NO. 40:**

2 Admit that, on August 11, 2018, one or more of Taylor's Social Media
3 Accounts contained the Communication, "Shhhhhhhh!!!! TONIGHT 7PM!!! I GOT
4 SOMETHING!!! @nickiminaj ft @nas!!! (NOT ON HER ALBUM!) GONNA
5 STOP THE CITY TONIGHT!!!!!!!!!!!!!!!!!!!!!!".

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

7 Maraj lacks sufficient information and belief to either admit or deny the
8 request and on that basis denies it.

9 **REQUEST FOR ADMISSION NO. 41:**

10 Admit that the Document attached hereto as **Exhibit C** is a true and correct
11 copy of the Communication referenced in Request for Admission No. 40.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

13 Maraj lacks sufficient information and belief to either admit or deny the
14 request and on that basis denies it.

15 **REQUEST FOR ADMISSION NO. 42:**

16 Admit that on August 11, 2018, Taylor's Social Media Account responded
17 "Hot97 App!!!!!" to the Communication, "Anyone have a link or know how to listen
18 to @funkflex tonight at 7pm live for when that @NICKIMINAJ and @Nas song
19 drops?".

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

21 Maraj lacks sufficient information and belief to either admit or deny the
22 request and on that basis denies it.

23 **REQUEST FOR ADMISSION NO. 43:**

24 Admit that the Document attached hereto as **Exhibit C** is a true and correct
25 copy of the Communication referenced in Request for Admission No. 42.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

27 Maraj lacks sufficient information and belief to either admit or deny the
28 request and on that basis denies it.

1 **REQUEST FOR ADMISSION NO. 44:**

2 Admit that, on August 11, 2018, one or more of Taylor's Social Media
3 Accounts contained the Communication, "EXCLUSIVE: @FunkFlex Debuts NEW
4 @NickiMinaj Ft. Nas - Sorry - <http://tinyurl.com/y9shont9> #IFWT".

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

6 Maraj lacks sufficient information and belief to either admit or deny the
7 request and on that basis denies it.

8 **REQUEST FOR ADMISSION NO. 45:**

9 Admit that the Document attached hereto as **Exhibit D** is a true and correct
10 copy of the Communication referenced in Request for Admission No. 44.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

12 Maraj lacks sufficient information and belief to either admit or deny the
13 request and on that basis denies it.

14 **REQUEST FOR ADMISSION NO. 46:**

15 Admit that, on or about August 11, 2018, Taylor played the Infringing Work
16 on HOT 97 FM.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 46:**

18 Objection: Maraj is not aware of any "Infringing Work." Without waiving
19 the foregoing objection, and assuming the RFA is referring to the composition and
20 recording "Sorry," Maraj lacks sufficient information and belief to either admit or
21 deny the request and on that basis denies it.

22 **REQUEST FOR ADMISSION NO. 47:**

23 Admit that, after Taylor played the Infringing Work, Internet users made the
24 Infringing Work available on different websites.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 47:**

26 Objection: Maraj is not aware of any "Infringing Work." Without waiving
27 the foregoing objection, and assuming the RFA is referring to the composition and
28 recording "Sorry," Maraj lacks sufficient information and belief to either admit or

1 deny the request and on that basis denies it.

2 **REQUEST FOR ADMISSION NO. 48:**

3 Admit that, on or about August 13, 2018, the Infringing Work was played on
4 Power 105.1 FM.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 48:**

6 Objection: Maraj is not aware of any “Infringing Work.” Without waiving
7 the foregoing objection, and assuming the RFA is referring to the composition and
8 recording “Sorry,” Maraj lacks sufficient information and belief to either admit or
9 deny the request and on that basis denies it.

10
11 DATED: September 3, 2019

BROWNE GEORGE ROSS LLP

Peter W. Ross

Eric C. Lauritsen

12
13
14
15 By: 

16 Peter W. Ross

17 Attorneys for Defendants Onika Tanya Maraj
18 p/k/a Nicki Minaj
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PROOF OF SERVICE

Chapman v. Maraj p/k/a Nicki Minaj
USDC Case No. 2:18-cv-9088

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 2121 Avenue of the Stars, Suite 2800, Los Angeles, CA 90067.

On September 3, 2019, I served true copies of the following document(s) described as **DEFENDANT MARAJ'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFF CHAPMAN'S FIRST SET OF REQUESTS FOR ADMISSION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Browne George Ross LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: On September 3, 2019, I caused a copy of the document(s) to be sent from e-mail address dtorosyan@bgrfirm.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 3, 2019, at Los Angeles, California.



Diane Torosyan

SERVICE LIST

Chapman v. Maraj p/k/a Nicki Minaj
USDC Case No. 2:18-cv-9088

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EXHIBIT 9

EXHIBIT 1
Comparison Chart
(Identical lyrics bolded)

<i>Baby Can I Hold You (the Composition)</i>	<i>Sorry (the Infringing Work)</i>
Sorry	Hey, baby
Is all that you can't say	Even though you break my heart
Years gone by and still	I still love you
Words don't come easily	Sorry
Like sorry like sorry	Is all that you can't say
	Years gone by and still
Forgive me	Words don't come easily
Is all that you can't say	Like forgive me (forgive me)
Years gone by and still	And you can say, baby (baby)
Words don't come easily	My baby, can I hold you tonight?
Like forgive me forgive me	And maybe if I told you the right words
	Ooh, at the right time
But you can say baby	You'd be Nas
Baby can I hold you tonight	Ayo
Maybe if I told you the right words	That bitch is always flippin'
At the right time you'd be mine	You n****s never listen
	We make a perfect team
I love you	Balling Jordan and Scottie Pippen
Is all that you can't say	But I'ma let you dip in
Years gone by and still	That wax sauce drippin'
Words don't come easily	Said that when you with a boss bitch,
Like I love you I love you	now you can tell the difference
	You be like jungle digger
But you can say baby	I don't want another n***a
Baby can I hold you tonight	I wanna make you 'bout a legend, but I
Maybe if I told you the right words	make you bigger
Ooh, at the right time you'd be mine	Tinkerbelle, Peter Pan
	No bitches badder than me when I pull up
Baby can I hold you tonight	Got 'em screaming like a temper tan'
Maybe if I told you the right words	Ayo, DJ, drop the beat
At the right time you'd be mine	My gun didn't fall but I drop the heat
	I love how we kept it on the low, mad
You'd be mine	discreet (I'm in a rush!)
You'd be mine	

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<i>Baby Can I Hold You</i> (the Composition)	<i>Sorry</i> (the Infringing Work)
	<p>Pass me the keys to my jeep (truck) I hit ‘em with it, I’m a kill ‘em with that wine wine Ain’t losin’ watches, but with me, he always find time We keep it classy when we eatin’ it’s that fine dine But between love and hate, baby, it’s a fine line Sorry Is all that you can’t say Years gone by and still Words don’t come easily Like forgive me (forgive me) And you can say, baby (baby) My baby, can I hold you tonight? And maybe if I told you the right words Ooh, at the right time You’d be Nas A mack I used to mack with the MAC on me Project parties, lights off, mad horny Dutty wine and feel the gun I’m hidin’ She still grindin’ on me, smilin’ at me I’m like “Hi, I’m Nasty” “God bless ya, met ya” Thought you were sexy as ever Flexing with your ex, I couldn’t disrespect ya’ Later on, I undress ya, couldn’t wait to sex ya’ Made a n***a wait so long, but it was special Light travel faster than sound Lightning strike one second every point two miles So when you first saw me emerge from a weed cloud</p>

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<i>Baby Can I Hold You</i> (the Composition)	<i>Sorry</i> (the Infringing Work)
	<p>Electricity touch your soul, that's how I get down Gangsta love Completing each other Touching tongues so close, we could breathe for each other Untouchable boy with the illustrious girl But maybe being together's too much for the world, sorry Sorry Is all that you can't say Years gone by and still Words don't come easily Like forgive me (forgive me) And you can say, baby (baby) My baby, can I hold you tonight? And maybe if I told you the right words Ooh, at the right time You'd be Nas</p>

EXHIBIT 10



From: Deborah Mannis-Gardner <deborah@dmgclearances.com>
Sent: Thursday, May 24, 2018 11:23 AM
To: Joshua Berkman
Cc: G Roberson; Jean Nelson; Grace Kim Nicki Minaj Attorney
Subject: Re: New Nicki Minaj Interpolation

Hi

I need to her the song because if this is shelly thunder/foxy brown reggae version of Sorry written by Tracy Chapman then its not available for sampling

On Wed, May 23, 2018 at 6:38 PM, Joshua Berkman <joshuaberkman@mac.com> wrote:

Hey Deborah,

Theres a new interpolation for Nicki Minaj. The interpolation comes from Shelly Thunder "Sorry". Can we found out all parties involved who need to clear and start setting up in person meetings. Thanks so much.

Joshua Berkman
Tel: 757-737-2434

Note: Privileged/Confidential information may be contained in this message and may be subject to legal privilege. Access to this e-mail by anyone other than the intended is unauthorised. If you are not the intended recipient (or responsible for delivery of the message to such person), you may not use, copy, distribute or deliver to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message, and notify us immediately. If you have received this email in error, please notify us immediately by e-mail or telephone and delete the e-mail from any computer.

--
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<http://www.imdb.com/name/nm0543434/>
<http://www.allmusic.com/artist/deborah-mannis-gardner-mn0001801015>

DMG HAS MOVED - PLEASE NOTE OUR NEW ADDRESS
DMG Clearances, Inc.

[REDACTED]
7209 Lancaster Pike, Suite 4-330
Hockessin, DE 19707



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EXHIBIT 11

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRACY CHAPMAN,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NO. 2:18-CV-09088-VAP-SS
)	
ONIKA TANYA MARAJ P/K/A)	
NICKI MINAJ AND DOES 1-10,)	
)	
DEFENDANTS.)	
_____)	

DEPOSITION OF DEBORAH MANNIS-GARDNER

Taken on January 28, 2020



Court Reporting • Video • Trial Presentation

LA 310.230.9700 • SF 415.445.0105
els@elitigationsservices.com • www.elitigationsservices.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY CHAPMAN,)
)
Plaintiff,)
)
v.) Case No.
) 2:18-cv-09088-VAP-SS
ONIKA TANYA MARAJ)
p/k/a NICKI MINAJ and))
DOES 1-10,)
)
Defendants.)

Videotaped deposition of
DEBORAH MANNIS-GARDNER taken pursuant to
notice at the offices of Regus/Christiana
Corporate, 200 Continental Drive,
Suite 401, Newark, Delaware, beginning at
10:30 a.m., on Tuesday, January 28, 2020,
before Kimberly A. Hurley, Registered Merit
Reporter and Notary Public.

1 APPEARANCES:

2 NICHOLAS FRONTERA, ESQUIRE
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10 New York, New York 10001
11 for the Defendants

12 STEPHANIE SMIERTKA RILEY, ESQUIRE
13 CONNOLLY GALLAGHER, LLP
14 1201 North Market Street
15 20th Floor
16 Wilmington, Delaware 19801
17 for the Deponent

18 ALSO PRESENT:

19 LINDSAY DuPHILY
20 Videotape Specialist

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22
23
24

1 THE VIDEOGRAPHER: This is the
2 videotaped deposition of Deborah Mannis-
3 Gardner taken by the plaintiff in the
4 matter of Tracy Chapman, Plaintiff, versus
5 Onika Tanya Maraj, et al., defendants, Case
6 No. 2:18-cv-09088-VAP-SS.

7 This deposition is being held
8 in Newark, Delaware. We are going on the
9 record on January 28, 2020, at
10 approximately 10:30 a.m.

11 The court reporter is
12 Kim Hurley with eLitigation Services. My
13 name is Lindsay DuPhily. I'm the videotape
14 specialist with eLitigation Services.

15 Counsel will now introduce
16 themselves, and then the court reporter
17 will swear in the witness.

18 MR. FRONTERA: Nicholas
19 Frontera on behalf of plaintiff.

20 MS. RILEY: Stephanie Riley on
21 behalf of Deborah Mannis-Gardner.

22 MR. MITCHELL: Jeffrey Mitchell
23 on behalf of defendants.

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Deborah Mannis-Gardner

Page 4

1 DEBORAH MANNIS-GARDNER,
2 the witness herein, having first been
3 duly sworn on oath, was examined and
4 testified as follows:

5 BY MR. FRONTERA:

6 Q. Good morning.

7 A. Good morning.

8 Q. Can you please state and spell your
9 name for the record?

10 A. Deborah Mannis-Gardner.
11 D-e-b-o-r-a-h; Mannis-Gardner, M-a, double
12 N as in Nancy, i-s, hyphen, G-a-r-d-n-e-r.

13 Q. Thank you. Have you ever gone by
14 any other names?

15 A. Prior to being married, yes.

16 Q. What was that name?

17 A. Deborah Mannis.

18 Q. Any other names?

19 A. No.

20 Q. Have you ever had your deposition
21 taken before?

22 A. No. Not that I recall.

23 Q. Have you ever been an expert
24 witness in a case?

1 why don't we take a short break now. Maybe
2 five or ten minutes? Does that work?

3 THE WITNESS: I'm good with
4 five.

5 THE VIDEOGRAPHER: Going off
6 the record at 11:58 a.m.

7 (A recess was taken.)

8 THE VIDEOGRAPHER: Back on the
9 record at 12:08 p.m.

10 BY MR. FRONTERA:

11 Q. I'm going to give you a document
12 that I would like you to look at.

13 MR. FRONTERA: We're going to
14 mark this one I believe as Plaintiff's
15 Exhibit 113. Is that right?

16 (Plaintiff's Deposition Exhibit
17 No. 113 was marked for identification.)

18 BY MR. FRONTERA:

19 Q. Do you recognize Exhibit 113?

20 A. Yes.

21 Q. What is it?

22 A. It's an email correspondence
23 between myself and Josh and other people.

24 Q. "Josh" is Josh Berkman?

1 A. Josh Berkman.

2 Q. And if you look at the from line at
3 the top of the email chain, is that your
4 email address there?

5 A. That is correct.

6 Q. And do you recall receiving and
7 sending emails in the chain?

8 A. Yes.

9 Q. The subject line in the email says
10 "Re: New Nicki Minaj Interpolation."

11 Do you know if the
12 interpolation that's being referenced in
13 the subject line is Ms. Maraj's song
14 "Sorry"?

15 A. Yes.

16 Q. In the first --

17 A. Oh, wait. You said Nicki Minaj's
18 song "Sorry" or Shelly Thunder's song
19 "Sorry"?

20 Q. Sorry. Ms. Maraj's Song D I guess
21 we would say.

22 A. Thank you. Yes.

23 Q. And then the first email chain in
24 this chain is dated May 23rd, 2018, at

1 Right?

2 A. That is the cover of Tracy's song.

3 That was my impression, yeah.

4 Q. And do you know if this email was
5 the first time you were asked to obtain
6 clearance for "Sorry"? Or, I'm sorry, for
7 Song D?

8 A. Based on my response, that would be
9 the first time learning about it.

10 Q. And above that email on May 23rd
11 you respond to Josh Berkman, copying
12 G. Roberson, Jean Nelson, Grace Kim,
13 Nicki Minaj Attorney, saying "Hi. I need
14 to her [sic] the song because of this" --
15 I'm sorry -- "because if this is
16 shelly thunder/foxy brown reggae version of
17 "Sorry" written by Tracy Chapman then
18 its [sic] not available for sampling."

19 When you wrote "her," did you
20 mean "hear"?

21 A. Yes.

22 Q. When you said "the song," are you
23 referring to the song Song D?

24 A. I am referring to Song D, correct.

1 Q. The new song that Nicki Minaj --

2 A. The Nicki Minaj song, correct.

3 Q. Why did you need to hear that song?

4 A. To determine if it's the

5 Tracy Chapman song.

6 Q. And after you sent the email, did

7 you hear Song D?

8 A. I never heard Nicki's song.

9 Q. Never at any point?

10 A. No.

11 Q. So just to be clear, to this day

12 you've never heard Nicki Minaj's Song --

13 A. No.

14 Q. -- D?

15 A. Never. That's not uncommon.

16 Q. No, I understand.

17 A. Okay.

18 Q. The song that you're referencing in

19 the email by Tracy Chapman, do you know if

20 that song was "Baby Can I Hold You"?

21 A. That's what I ended up figuring out

22 that's what it was, through the help of

23 Purple Rabbit.

24 Q. And when you said that it's not

1 available for sampling, what do you mean?

2 A. Tracy Chapman is known for not
3 allowing her material to be sampled.

4 Q. Have you tried to obtain clearances
5 from Tracy Chapman before?

6 A. Many years ago.

7 Q. And were those requests denied?

8 A. Yes.

9 Q. And so when you say it's known, you
10 mean kind of in your experience in the
11 industry, it's known throughout the
12 industry that Tracy Chapman doesn't allow
13 people to use her songs?

14 A. There's a list of people who do not
15 allow their material to be sampled.
16 Tracy Chapman is on the list.

17 Q. Is that like a physical list?

18 A. No.

19 Q. When you say "There's a list,"
20 there's kind of just people in the know
21 know that these artists don't allow their
22 songs to be used?

23 A. Correct.

24 Q. Do you remember what songs you

1 Q. I don't see Sonya on this email.

2 Do you know if Grace was
3 handling this on behalf of Sonya?

4 A. She probably was. That's why she's
5 on there.

6 Q. Got it. And the "Nicki Minaj
7 Attorney" part, was that something you
8 would have added?

9 A. Might have been saved in my email
10 like that.

11 Q. Okay. I've just never seen that
12 before. Curious.

13 A. Yeah.

14 Q. All right. You can set that
15 exhibit aside.

16 (Plaintiff's Deposition Exhibit
17 No. 114 was marked for identification.)

18 BY MR. FRONTERA:

19 Q. I'd like to mark that exhibit as
20 Plaintiff's Exhibit 114.

21 Do you recognize Exhibit 114?

22 A. It's an email that I sent.

23 Q. Do you recall receiving and sending
24 the emails in this chain?

1 A. Do I specifically recall sending
2 this specific email? I'm assuming I did.

3 But do I recall doing it?

4 Q. Do you have any reason to believe
5 that you did not?

6 A. No. This is my email, yes.

7 Q. So the subject line for this email
8 chain is "Re: Nicki Minaj interpolation of
9 Shelly Thunder "Sorry."

10 Do you see that?

11 A. Yes.

12 Q. Below that: On June 26, 2018, at
13 3:44 Josh Berkman writes: "Hey Deborah can
14 we please start the clearance process for
15 this interpolation."

16 Do you see that?

17 A. Yes.

18 Q. Between this email and the email
19 you sent Mr. Berkman on May 24th, 2018,
20 stating "this is shelly thunder/foxy brown
21 reggae version of Sorry written by
22 Tracy Chapman then its [sic] not available
23 for sampling," do you know if you had any
24 discussions with Mr. Berkman regarding

1 getting clearance for Song D?

2 A. Based on this, he told me to

3 proceed anyway.

4 Q. Do you know if that was another
5 conversation you would have had by phone,
6 or are you just basing it on --

7 A. It must have been by phone. No, he
8 never -- he started the clearance process
9 with an email. He told me to proceed, so I
10 proceeded.

11 Q. Got you. So between -- it was
12 about a month. Between that time and this
13 time, you don't recall having any
14 conversations with him or --

15 A. It's standard for radio silence
16 between telling me about a sample and
17 actually having me proceed.

18 Q. Got it. So you don't believe there
19 was anything in between?

20 A. Not unless -- it doesn't -- the one
21 month looks like a weird thing to you, but
22 it's a common thing where people tell me
23 that they're going to do something, but I
24 can't do it until they say, Please proceed.

1 Sorry. URGENT - please advise."

2 Is that correct?

3 A. Correct.

4 Q. Who's Dag Sandmark?

5 A. I don't know if his title is vice
6 president, but he oversees the sample
7 clearances at Sony/ATV.

8 Q. And what's Sony/ATV?

9 A. A publishing company.

10 Q. Is there a reason that you emailed
11 Dag at Sony/ATV regarding Tracy Chapman?

12 A. Yes. Because I thought
13 Tracy Chapman was Sony/ATV.

14 Q. What do you mean by the "do not
15 sample or interpolate list"? Is that the
16 list you were referring to before?

17 A. Yes.

18 Q. And you said it wasn't a physical
19 list, right?

20 A. No.

21 Q. Or a digital list. It's just
22 something that people know?

23 A. Something people know. Or if
24 there's a list, I'm not aware of it.

1 Q. Okay. Understood. And at the time
2 of this email, did you believe Ms. Chapman
3 was on that list?

4 A. Yes.

5 Q. And that was common knowledge in
6 the industry, right?

7 MR. MITCHELL: Object to the
8 form of the question.

9 BY MR. FRONTERA:

10 Q. I think you testified earlier that,
11 in the industry, based on your experience,
12 most people knew that Tracy Chapman --

13 A. I don't think artists or producers
14 know. I think copyright holders know. My
15 side of the industry, not the creative side
16 of the industry.

17 Q. And then the same day at 4:22 p.m.,
18 Dag responds to you, saying "Gelfand
19 Rennert & Feldman," with contact
20 information for someone named
21 Rachel Maloney, correct?

22 A. Correct.

23 (Plaintiff's Deposition Exhibit
24 No. 116 was marked for identification.)

1 BY MR. FRONTERA:

2 Q. All right. I'm going to show you
3 another email chain, and we're going to
4 mark that as Exhibit 116.

5 Do you know what this is?

6 A. Yes, I do.

7 Q. Do you recall sending and receiving
8 emails in this chain?

9 A. Absolutely, yes.

10 Q. And the subject of the email is
11 "Re: Tracy Chapman - Sorry," correct?

12 A. Correct.

13 Q. If you go to the first email at the
14 bottom of the chain, you email
15 Rachel Maloney at Gelfand on June 26,
16 2018 --

17 A. Yes.

18 Q. -- saying "Hi Rachel When your
19 client Tracy Chapman was with Sony/ATV her
20 material was always denied. Is she still
21 on the do not sample or interpolate list?
22 I have an A LIST artist who wants to use
23 the song Sorry. URGENT - please advise.
24 Many thanks, Deborah."

1 Do you see that?

2 A. Yes.

3 Q. Then you receive a response from
4 someone at Gelfand named Lauren Brockie on
5 June 27th, saying "Hi Deborah! I handle
6 the day to day on behalf of Purple Rabbit
7 Music. Do you mean the song, 'Baby Can I
8 Hold You'? Can you please provide
9 information or send over an official
10 request? Thanks! Lauren."

11 Is that the first time you
12 learned that Tracy Chapman's song that
13 Ms. Maraj was seeking to use was called
14 "Baby Can I Hold You"?

15 A. Correct.

16 Q. You didn't find that earlier in
17 your research?

18 A. I didn't exert too much energy. It
19 was Tracy Chapman.

20 Q. Okay. And that -- you didn't exert
21 energy because it was Tracy Chapman because
22 she typically denies use, correct?

23 A. Correct.

24 Q. And then the same day -- that same

1 day you forward the email to Joshua Berkman

2 with a message saying "you want to try?"

3 Do you see that?

4 A. Yes.

5 Q. Do you know if you had any phone

6 conversations with Joshua Berkman around

7 that time regarding trying to obtain --

8 A. I don't recall anything specific,

9 but probably did. I don't recall

10 specifics.

11 Q. Okay. At that time did you believe

12 it was likely that you would obtain

13 clearance to use "Baby Can I Hold You"?

14 A. No.

15 Q. And that's for the reasons you

16 already testified?

17 A. Correct.

18 Q. And then a week and a half later on

19 July 6, Mr. Berkman responds, asking if you

20 reached out and tried for this, correct?

21 A. Correct.

22 Q. Do you know if you had any

23 conversations about obtaining clearance for

24 "Sorry" with -- or with Mr. Berkman between

1 the time you sent him the email, asking if
2 he wanted to try, and the response, asking
3 if you had tried?

4 MS. RILEY: Objection.

5 THE WITNESS: Isn't there a
6 prior email that shows that?

7 BY MR. FRONTERA:

8 Q. I'm not sure if it shows it between
9 this time period. I guess I'm asking --

10 A. I don't recall. You'd have to look
11 at the timeline of the emails.

12 Q. Okay. I guess just based on what
13 you can recall, did you have any
14 conversations between the date of your
15 email and the date he responded?

16 A. I don't think I did, because I just
17 shrugged this off as someone paying me \$325
18 for a denial.

19 Q. Okay. Set that aside.

20 (Plaintiff's Deposition Exhibit

21 No. 117 was marked for identification.)

22 BY MR. FRONTERA:

23 Q. I'm going to show you another

24 exhibit that I'd like to mark as 117.

1 Do you know what it is?

2 A. Yes, I do.

3 Q. What is it?

4 A. It's my denial letter, as well as

5 me advising the client it was denied.

6 Q. Do you recall sending and receiving

7 emails this chain?

8 A. Yes.

9 Q. And if you look through the chain,

10 is it a continuation of the email chain

11 that we were discussing before --

12 A. Correct.

13 Q. -- regarding -- regarding
14 discussions between you and representatives
15 at Gelfand, correct?

16 A. Correct.

17 Q. And if you look at the bottom of
18 page 1 and at the top of page 2 on
19 July 10th, 2018, you send Lauren Brockie an
20 email, stating Hi Lauren. Attached please
21 find my formal letter request along with my
22 client on copy relating to arrange the
23 listening of the music. Many thanks.
24 Deborah."

1 See that?

2 A. Correct.

3 Q. Don't put that one away, but let's
4 set it aside for a second.

5 (Plaintiff's Deposition Exhibit

6 No. 118 was marked for identification.)

7 BY MR. FRONTERA:

8 Q. I'd like to mark this exhibit as

9 Exhibit 118.

10 Do you recognize what's been

11 marked as Exhibit 118?

12 A. Yes, I do.

13 Q. Is that the letter that you

14 attached to your July 10th email?

15 A. That's correct.

16 Q. If you look at the subject line, it
17 says "'D' contains interpolations from
18 'Sorry (Baby can I Hold You)' written by
19 Tracy Chapman and published by Purple
20 Rabbit Music ASCAP)."

21 Do you see that?

22 A. Correct.

23 Q. And if you look at the first line
24 of the second paragraph, you write: "In

1 A. Approximating, thank you.

2 Q. So if you look below that
3 paragraph, there's a link.

4 Do you know what that link is
5 to?

6 A. I would assume it's to the "Sorry"
7 YouTube song by Shelly Thunder/Foxy Brown.

8 Q. And is there a reason why you would
9 have sent the Shelly Thunder/Foxy Brown
10 version rather than a link to
11 Tracy Chapman's song?

12 A. Because the client didn't say they
13 were interpolating Tracy Chapman's
14 composition. They said they were
15 interpolating the Shelly Thunder, which
16 sounded different. It's a reggae song.

17 MR. MITCHELL: It's a what
18 song?

19 THE WITNESS: It's a reggae
20 song.

21 BY MR. FRONTERA:

22 Q. If you go back to Exhibit 117.

23 That was the last email chain that we were

24 just looking at. I think it should be that

1 one.

2 So going back to that email
3 chain, if you look at the first page,
4 Lauren Brockie emails you, saying "Hi
5 Deborah. Thank you for the interest in
6 this sample request. Unfortunately, the
7 request has not been approved. Kind
8 regards, Lauren."

9 Do you see that?

10 A. Yes.

11 Q. Then about nine minutes later you
12 respond, copying Joshua Berkman, saying
13 "Thanks Lauren. I have my client on copy
14 for visibility."

15 Other than copying Mr. Berkman,
16 did you have any other communications with
17 Mr. Berkman to let him know that the
18 request had been denied?

19 A. I don't recall. I don't recall if
20 there was a phone call or anything else. I
21 just -- when something is denied, it's
22 denied and I move on.

23 Q. And other than Mr. Berkman at this
24 time, do you recall if you would have told

1 anyone else that it was denied?

2 A. I would have updated my chart
3 reflecting denied, and the updated chart
4 would have gone to the client advising
5 them. "The client" meaning the label and
6 everyone else.

7 Q. Did you receive any follow-up
8 instructions from Ms. Maraj's
9 representatives regarding clearing Song D
10 after you told Mr. Berkman that the request
11 had been denied?

12 A. I just remember being asked, Is
13 there anything we can do.

14 Q. Is that typical for artists, in
15 your experience, after you've informed them
16 that the request has been denied, to
17 continue trying to obtain clearance?

18 A. For DMG to continue clearance? We
19 might go back and say, Why is it denied?
20 Is there anything we can do to change the
21 denial. This was Tracy Chapman. It was
22 denied.

23 Q. And how often do you go back and do
24 those sorts of things?

1 A. Depends. It's case-by-case based
2 on what the client asks me to do.

3 Q. Is that what usually happens, or
4 does it -- usually they stop pursuing the
5 clearance after it's been denied?

6 A. It varies by who the client is.

7 (Plaintiff's Deposition Exhibit
8 No. 119 was marked for identification.)

9 BY MR. FRONTERA:

10 Q. I'd like to show you another
11 document that we're marking as Exhibit 119.

12 Do you know what it is?

13 A. Yes, I do.

14 Q. What is it?

15 A. Josh asks me what can we do to get
16 to Tracy directly to get this overturned,
17 and I reiterated what I said before, she
18 doesn't approve interpolations of her
19 samples.

20 Q. Do you recall receiving and sending
21 the emails in the chain?

22 A. Yes.

23 Q. And this email was sent after you
24 had informed Mr. Berkman -- this chain was

1 after you had informed Mr. Berkman that the
2 request had been denied, correct?

3 A. Correct.

4 Q. And I think you just alluded to it,
5 but if you look at the bottom email on the
6 chain, it says -- I guess it's July 18,
7 2018. It says "Deborah can we do a call to
8 see if we can figure out a way to get to
9 Tracy direct? Would love to figure out a
10 way for her and Nicki to speak. Any
11 possible way to get this cleared. Thanks."

12 What do you understand
13 Mr. Berkman's statement asking if he
14 could -- if you could figure out a way to
15 get Tracy to direct to mean?

16 A. That he wanted to, I guess, reach
17 out to management or legal counsel per my
18 response.

19 Q. So you didn't take it to mean to
20 Ms. Maraj herself?

21 A. I'm sorry?

22 Q. You just testified that you took it
23 to mean management or legal counsel.

24 Did you also take it to mean

1 that he was asking if there was a way to
2 reach out to Ms. Maraj herself?

3 A. No. I took this to mean how do we
4 get in touch with Tracy directly, and I
5 said I don't know.

6 Is that what you're asking?

7 Q. I guess the next line says "Would
8 love to figure out a way for her and Nicki
9 to speak."

10 Did you understand that to mean
11 that Mr. Berkman wanted Tracy Chapman and
12 Nicki Minaj to personally speak to each
13 other?

14 MS. RILEY: Objection.

15 MR. MITCHELL: Object to the
16 form of the question.

17 BY MR. FRONTERA:

18 Q. Well, what did you understand that
19 line to mean?

20 A. That they wanted to get to
21 Tracy Chapman, and I had no way to get them
22 to Tracy Chapman.

23 Q. When you say to get to
24 Tracy Chapman, do you mean to Tracy Chapman

1 directly or to her representatives?

2 A. Her representatives.

3 Q. Do you know why he wanted to get
4 them to speak?

5 A. They wanted the denial reversed. I
6 assume.

7 Q. Then Mr. Berkman says "Any possible
8 way to get this cleared."

9 Did Mr. Berkman tell you why he
10 was asking you to continue to try to get
11 Song D cleared after you had already
12 informed him it was denied?

13 A. One can assume that Nicki wanted it
14 cleared.

15 Q. Did Mr. Berkman tell you anything
16 that would indicate that Nicki wanted it
17 cleared?

18 A. He might have told me, but that
19 email pretty much tells me. If he called
20 me or told me that -- I don't think I took
21 the phone call, because that's a shut-up
22 email that I just sent. He wanted to get
23 on the phone, and I'm pretty much saying
24 no.

1 Q. Did Mr. Berkman ever indicate that
2 getting "Sorry" cleared was of particular
3 importance to Ms. Maraj?

4 A. Every song that we work on for
5 Nicki was important.

6 Q. Did you have any reason to believe
7 that this song was any more important than
8 the other songs?

9 A. No.

10 Q. Going back to the email, in
11 response to Mr. Berkman's email, as you
12 just alluded, you sent an email, stating
13 "Hi Josh. Tracy doesn't approve samples or
14 interpolations and the songs out there are
15 not consent. I am unfamiliar with Tracy's
16 Mmgt or legal counsel. Im [sic] sorry."

17 Is that correct?

18 A. That's correct.

19 Q. What songs are you referring to
20 when you say the songs are not out there
21 with consent? Is that the one song that
22 you testified to earlier?

23 A. Yes.

24 Q. After you sent this email, do you

1 know if you made additional efforts to
2 clear "Sorry," -- or to clear Song D,
3 excuse me?

4 A. I did not make any additional
5 efforts. Not that I recall. It was
6 denied.

7 Q. And did you ever tell anyone that
8 you were able to obtain clearance for
9 Ms. Maraj to use "Baby Can I Hold You" in
10 her song?

11 A. Never.

12 Q. And based on your experience, you
13 knew that, without clearance from
14 Ms. Chapman, use of "Baby Can I Hold You"
15 in her song would violate Ms. Chapman's
16 copyright, correct?

17 MS. RILEY: Objection.

18 THE WITNESS: Yes.

19 (Plaintiff's Deposition Exhibit
20 No. 120 was marked for identification.)

21 BY MR. FRONTERA:

22 Q. I'm going to show you another email
23 chain that I'm going to mark as
24 Exhibit 120.

1 Q. Was anything inaccurate about the
2 statement that you recall being made in the
3 article?

4 A. It's not inaccurate that the sample
5 was denied. But what was the purpose of
6 putting DMG in the article?

7 Q. I guess my question would be, then:
8 What is the implication that you're worried
9 about from that statement?

10 A. I'm the No. 1 sample clearance
11 agent in the country, if not world, and it
12 leaves a bad mark, and my publicist was
13 very upset and wanted to know if we should
14 do a response, and I said no, but -- there
15 was no reason. They could have just said
16 the sample was denied. They didn't need to
17 say the sample was denied from DMG
18 Clearances.

19 Q. So I guess what was the implication
20 you were concerned about?

21 A. The implication is I didn't do my
22 job properly.

23 Q. And Why would that -- what would be
24 the implication that you didn't do your job

1 Q. And putting aside Tracy Chapman,
2 are most -- do you mostly deal with record
3 companies when you're dealing with
4 clearances for songs? Is that primarily
5 who you deal with?

6 A. It's not a most. It's a
7 collaboration of attorneys, management,
8 labels altogether.

9 Q. I think I heard you testify that
10 you're the largest music and sample
11 clearance firm in the world.

12 Is that right?

13 A. I'm the No. 1 clearance company,
14 yeah.

15 Q. Have you ever tried to count how
16 many -- what's your average year of
17 clearance of songs you do?

18 A. We have tried, because when you
19 talked about the billing, that chart
20 reflects -- and because we're flat fees, we
21 actually can do an analysis of how many
22 samples we do a year.

23 Q. And how many, approximately, is
24 that?

1 MS. RILEY: Objection.

2 MR. FRONTERA: Object to form.

3 BY MR. MITCHELL:

4 Q. Withdrawn. You know it's not on
5 the final album, right?

6 A. Again, it's based on emails. I
7 never heard the song, so I'm basing it on
8 everyone telling me it did not make the
9 album.

10 Q. So this would appear to be a leak,
11 one of those things that security tries to
12 protect against, right?

13 MR. FRONTERA: Object to form.

14 THE WITNESS: I would call it a
15 leak, yes.

16 BY MR. MITCHELL:

17 Q. And that's the kind of thing that,
18 in your experience, happens sometimes in
19 the music business?

20 A. Yes.

21 Q. And looking at your background, you
22 started music clearance in 1990 at Diamond
23 Time?

24 A. That's correct.

1 Q. So we're now in 2020. That's

2 30 years of music clearance.

3 A. I started in diapers.

4 Q. I understand. Was there a time
5 when record companies did clearances
6 themselves?

7 A. When I was at RCA Records, it was
8 in-house. When I left RCA, I took all of
9 the work with me.

10 Sony Label does stuff in-house,
11 but more and more the artists have asked me
12 to get involved and not have the label to
13 do it. More like a hands-off kind of
14 thing.

15 Q. So the idea of music clearance now
16 is an outsourced thing, for the most part,
17 in the industry, right?

18 A. It really has been since -- again,
19 since 1990 it's been outsourced.

20 Q. I don't think I asked you: A cover
21 is when you record a song as it's
22 originally written by a new artist.

23 Is that fair?

24 A. That's my understanding of a cover.

1 THE VIDEOGRAPHER: This

2 deposition is ending at 3:09 p.m.

3 MR. FRONTERA: Off record a

4 discussion was had between counsel.

5 Counsel has agreed to counsel for the

6 plaintiff will relieve the court reporter

7 of any duties under the code to maintain

8 the transcript. The reporter will deliver

9 the original copy to the plaintiff's

10 counsel, and then I'll send a pdf copy to

11 the witness for review.

12 The witness will have 14 days

13 to review the transcript after counsel's

14 receipt to make any changes that are

15 necessary. If no changes are made, then

16 the original will stand.

17 Witness's counsel will advise

18 us within two business days after whether

19 changes were made. Witness's counsel will

20 advise us within two business days after

21 receiving the transcript from witness

22 whether any changes were made.

23 And we will maintain custody of

24 the original and make it available for

1 trial or any hearing upon reasonable
2 request. If the original is lost,
3 destroyed, or unavailable, a certified copy
4 may be used in its place.

5 So stipulated?

6 MS. RILEY: Yes.

7 MR. MITCHELL: You will cc me
8 on anything you send?

9 MR. FRONTERA: Yes. Does that
10 work? You might want to stipulate.

11 MR. MITCHELL: That's fine.
12 That's not the New York stipulations, but
13 that being said, I don't have a problem
14 with that as long as you cc me on whatever
15 you're doing.

16 MR. FRONTERA: I think we're in
17 California.

18 MR. MITCHELL: Is that right?
19 Oh, I'm sorry.

20 (Deposition concluded at
21 3:09 p.m.)

22 - - - - -

23

24

CERTIFICATE OF REPORTER

STATE OF DELAWARE:

:

NEW CASTLE COUNTY:

I, Kimberly A. Hurley,
Registered Merit Reporter and Notary
Public, do hereby certify that there came
before me on the 28th day of January, 2020,
the deponent herein, DEBORAH
MANNIS-GARDNER, who was duly sworn by me
and thereafter examined by counsel for the
respective parties; that the questions
asked of said deponent and the answers
given were taken down by me in Stenotype
notes and thereafter transcribed by use of
computer-aided transcription and computer
printer under my direction.

I further certify that the
foregoing is a true and correct transcript
of the testimony given at said examination
of said witness.

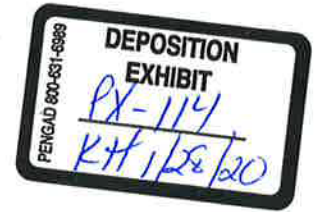
I further certify that I am not
counsel, attorney, or relative of either
party, or otherwise interested in the event
of this suit.



Kimberly A. Hurley, RPR, RMR

DATED: February 3, 2020

EXHIBIT 12



From: Deborah Mannis-Gardner <deborah@dmgclearances.com>
Sent: Tuesday, June 26, 2018 3:50 PM
To: Joshua Berkman
Cc: Janice Shreve
Subject: Re: Nicki Minaj interpolation of Shelly Thunder "Sorry"
Attachments: nicki minaj 2018.xlsx

please see updated chART

On Tue, Jun 26, 2018 at 3:44 PM, Joshua Berkman <joshuaberkman@mac.com> wrote:
Hey Deborah can we please start the clearance process for this interpolation.

Joshua Berkman
Tel: 757-737-2434

Note: Privileged/Confidential information may be contained in this message and may be subject to legal privilege. Access to this e-mail by anyone other than the intended is unauthorised. If you are not the intended recipient (or responsible for delivery of the message to such person), you may not use, copy, distribute or deliver to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message, and notify us immediately. If you have received this email in error, please notify us immediately by e-mail or telephone and delete the e-mail from any computer.

--

Deborah Mannis-Gardner
DMG Clearances, Inc.
7209 Lancaster Pike, Suite 4-330
Hockessin, DE 19707
302.239.6337 x1 voice
302.239.6875 fax
deborah@dmgclearances.com
Visit our website at **www.dmgclearances.com**
Visit our partner company **www.tracklib.com**
<http://www.imdb.com/name/nm0543434/>
<http://www.allmusic.com/artist/deborah-mannis-gardner-mn0001801015>

DMG HAS MOVED - PLEASE NOTE OUR NEW ADDRESS
DMG Clearances, Inc.

[REDACTED]
7209 Lancaster Pike, Suite 4-330
Hockessin, DE 19707



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EXHIBIT 13



inc

DMG Clearances, Inc.

Music Clearances for Film, Television, Samples, and New Technology

VIA EMAIL

July 10, 2018

13 Robin Drive
Hockessin, DE 19707
302. 239 6337
302. 239 6875 fax

Lauren Brockie
Purple rabbit Music

deborah@dmgclearances.com

RE: Nicki Minaj

“D” contains interpolations from “Sorry (Baby can I Hold You)” written by Tracy Chapman and published by Purple Rabbit Music ASCAP)

Dear Lauren

I am currently working on a sample clearance for Cash Money/Republic recording artist Nicki Minaj

In the song “**D (working title)**” Nicki has used interpolations from the above referenced song. For security purposes, a representative from Nicki’s camp will play the song for you. I have Josh on copy to arrange this meeting.

<https://www.youtube.com/watch?v=3ArOBAt5MI0>
<https://www.youtube.com/watch?v=z0j9lxmGe4s>

Because of the nature of this clearance, the rights that we are looking to secure include the right to use this sample in our new composition in all audio configurations, now known or hereinafter devised, throughout the world, in perpetuity including music video rights and digital downloads and ring tones/ring tunes.

Any efforts to provide me with a response to this request as soon as possible would be sincerely appreciated. I look forward to hearing from you.

Best regards,

Deborah Mannis-Gardner

EXHIBIT 14



[REDACTED]

From: Deborah Mannis-Gardner <deborah@dmgclearances.com>
Sent: Wednesday, July 18, 2018 9:28 AM
To: Joshua Berkman
Cc: G Roberson; Jean Nelson
Subject: Re: Tracy Chapman

Hi Josh

Tracy doesn't approve samples or interpolations and the songs out there are not with consent.

I am unfamiliar with Tracy's Mmgt or legal counsel.

Im sorry

Deborah Mannis-Gardner
dmg clearances, inc.
302.239.6337 x1
www.dmgclearances.com

Sent from a device with virtual keyboard and ridiculous autocorrect. Please excuse typos.

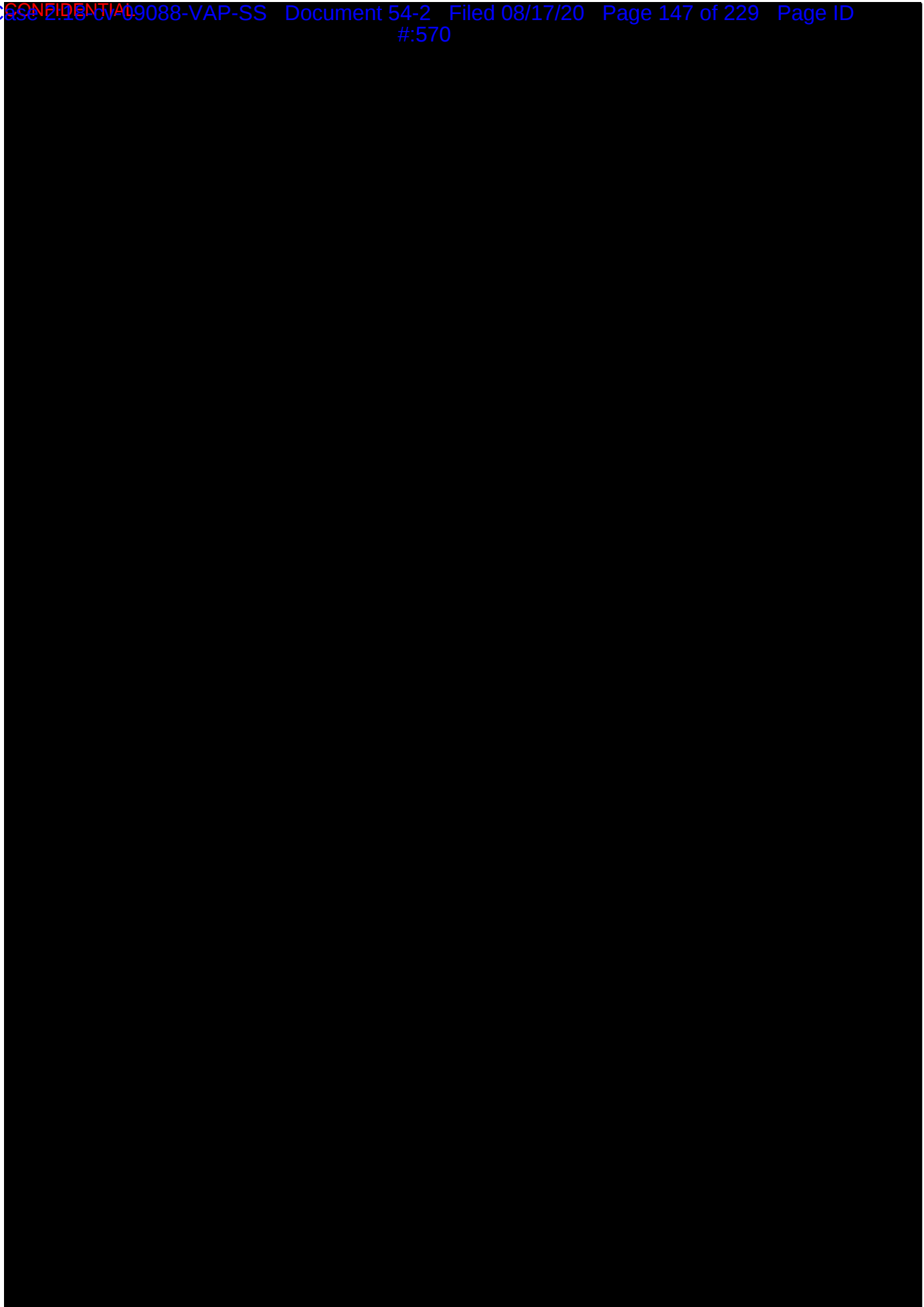
On Jul 18, 2018, at 2:49 AM, Joshua Berkman <joshuaberkman@mac.com> wrote:

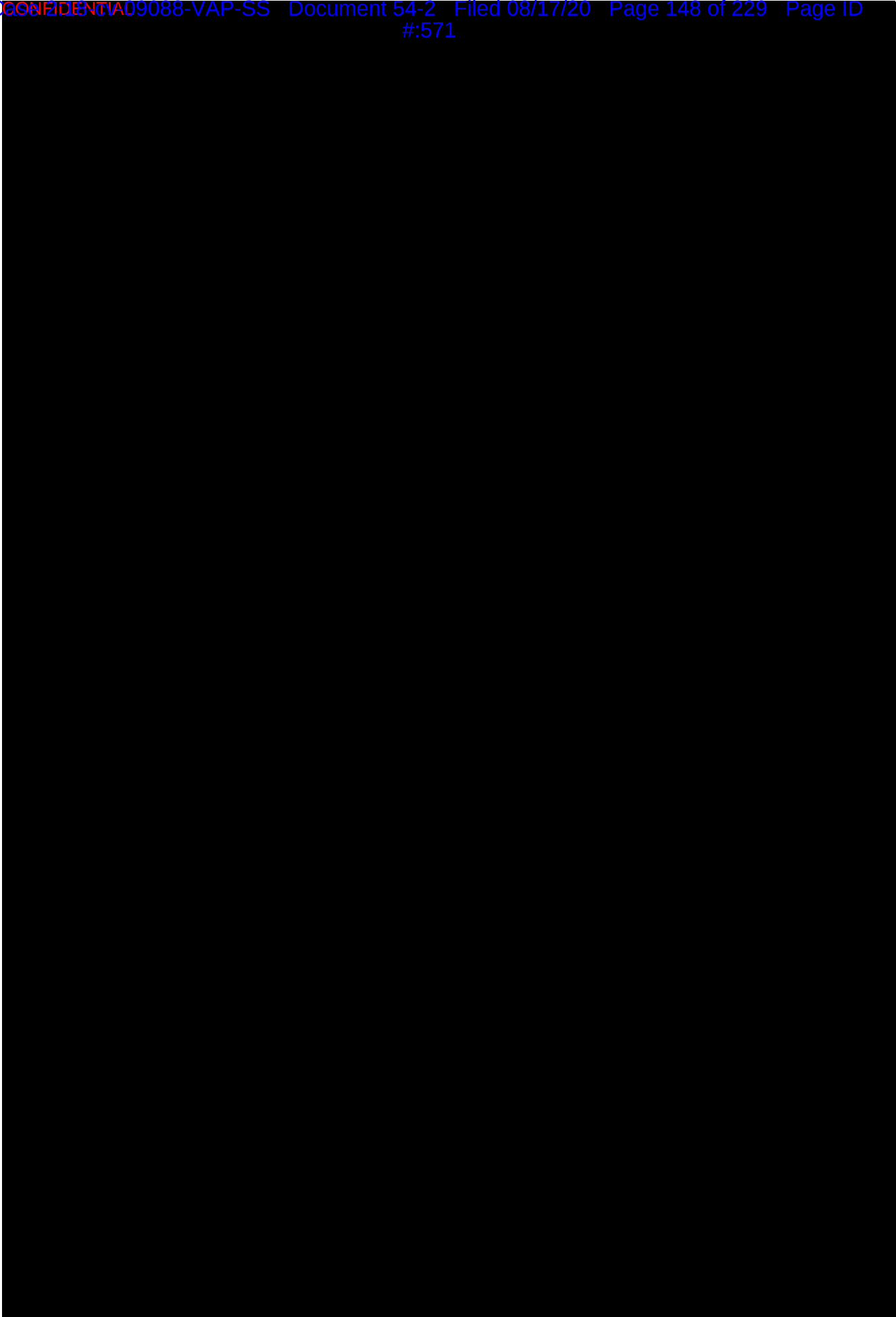
Deborah can we do a call to see if we can figure out a way to get to Tracy direct? Would love to figure out a way for her and Nicki to speak. Any possible way to get this cleared. Thanks.

Joshua Berkman
Tel: 757-737-2434

Note: Privileged/Confidential information may be contained in this message and may be subject to legal privilege. Access to this e-mail by anyone other than the intended is unauthorised. If you are not the intended recipient (or responsible for delivery of the message to such person), you may not use, copy, distribute or deliver to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message, and notify us immediately. If you have received this email in error, please notify us immediately by e-mail or telephone and delete the e-mail from any computer.

EXHIBIT 15





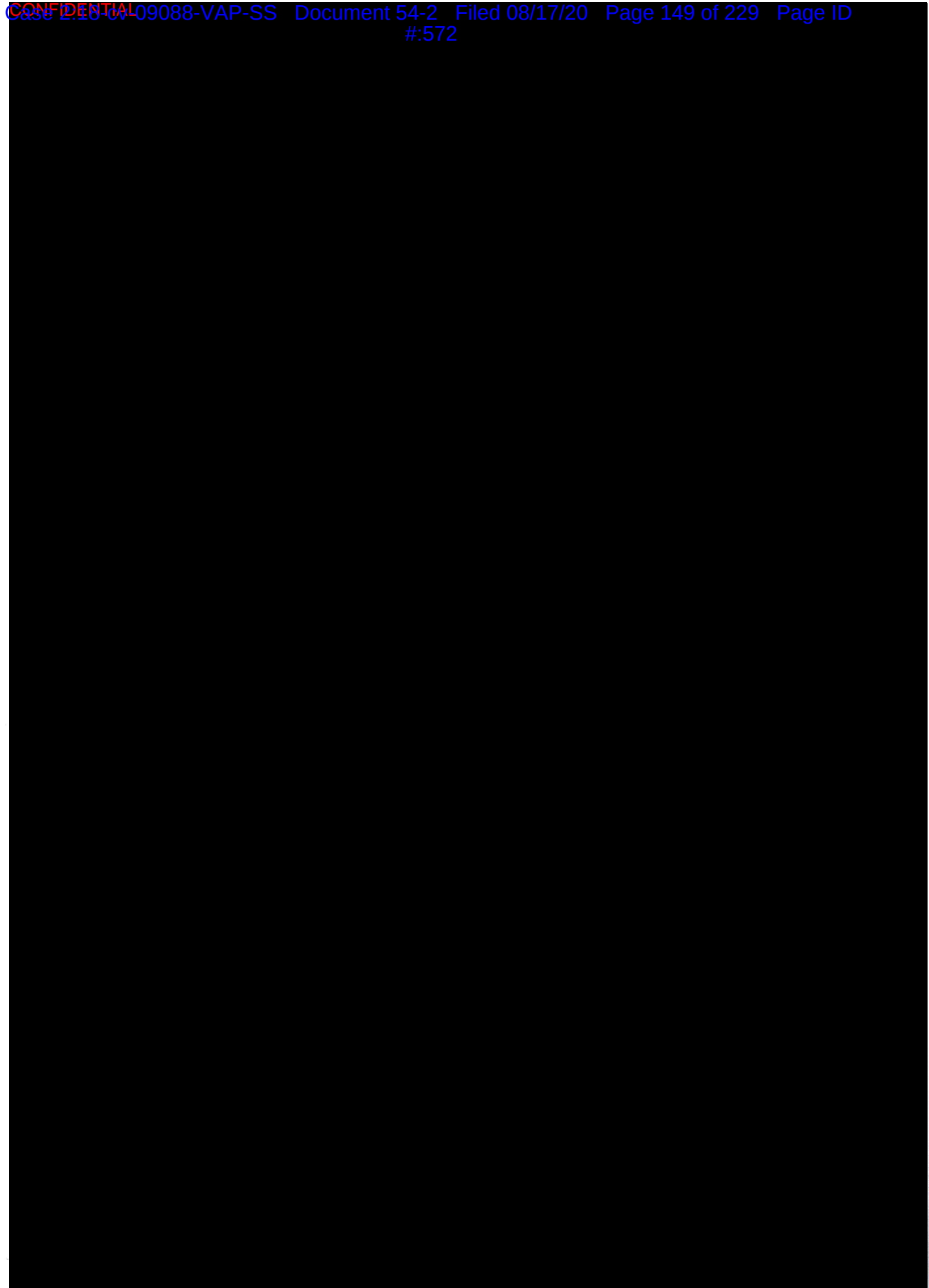


EXHIBIT 16

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRACY CHAPMAN,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NO. 2:18-CV-09088-VAP-SS
)	
ONIKA TANYA MARAJ P/K/A)	
NICKI MINAJ AND DOES 1-10,)	
)	
DEFENDANTS.)	
_____)	

DEPOSITION OF ASTON GEORGE TAYLOR

Taken on February 11, 2020



Court Reporting • Video • Trial Presentation

LA 310.230.9700 • SF 415.445.0105
els@elitigationsservices.com • www.elitigationsservices.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY CHAPMAN,)
)
Plaintiff,)
) Civil Action No:
) 2:18-cv-09088-VAP-SS
-v-)
)
ONIKA TANYA MARAJ p/k/a)
NICKI MINAJ)
and DOES 1-19,)
)
Defendants.)
)
-----)

VIDEOTAPED DEPOSITION OF
ASTON GEORGE TAYLOR
TAKEN ON TUESDAY, FEBRUARY 11, 2020

BY: DARBY GINSBERG, RPR

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 TRACY CHAPMAN,)
5 Plaintiff,)
6) Civil Action No:
7) 2:18-cv-09088-VAP-SS
8 -v-)
9 ONIKA TANYA MARAJ p/k/a)
10 NICKI MINAJ)
11 and DOES 1-19,)
12 Defendants.)
13 -----)

14 DEPOSITION of ASTON GEORGE TAYLOR,
15 taken on behalf of the Plaintiff, at 7 Times
16 Square, New York, New York, commencing at
17 9:41 a.m. and ending at 4:01 p.m., Tuesday,
18 February 11, 2020, before Darby Ginsberg,
19 Registered Professional Reporter and Notary
20 Public of the State of New York, pursuant to
21 Notice.
22
23
24
25

1
2 APPEARANCES:

3
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26 ALSO PRESENT:

27 MICHAEL SPAZIANI, Legal Video Specialist
28 PIO FERRO

1 INDEX OF EXAMINATION

2 WITNESS:

3 ASTON GEORGE TAYLOR

4		
5	EXAMINATION	PAGE
6	BY MR. GATTI	7
7	BY MR. MITCHELL	226
8	BY MR. GATTI	313
9	BY MR. MITCHELL	321
10	BY MR. GATTI	323

11

12 E X H I B I T S

13	NUMBER	DESCRIPTION	PAGE
14	Exhibit 127	subpoena	16
15	Exhibit 128	subpoena to produce	
16		documents	38
17	Exhibit 129	document Bates	
18		numbered Flex 000013	
19		through 000015	100
20	Exhibit 130	one-page document	
21		Bates numbered Flex	
22		000002	160
23	Exhibit 131	document Bates numbered	
24		Flex 000001	175
25	Exhibit 132	Instagram post	179

I N D E X (CONT.)

2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 133	one-page document Bates	
4		stamped Flex 00003	182
5	Exhibit 134	document Bates stamped	
6		Flex 4	186
7	Exhibit 135	document Bates stamped	
8		Flex 000005	190
9	Exhibit 136	one-page document Flex	
10		Bates stamp 6	198
11	Exhibit 137	printout Bates stamped	
12		MS1	205
13	Exhibit 138	printout of Hot 97	
14		app page	209
15	Exhibit 139	document Bates stamped	
16		Flex 7	212
17	Exhibit 140	document Flex Bates	
18		stamped 8	222

Aston George Taylor

Page 6

1 NEW YORK, NEW YORK,
2 TUESDAY, FEBRUARY 11, 2020

3 AT 9:41 A.M.

4 ASTON GEORGE TAYLOR,

5 having been duly sworn,

6 was examined and testified as follows:

7 (Reporter's opening statement)

8 THE VIDEOGRAPHER: Good morning.

9 My name is Michael Spaziani. I am a
10 certified legal video specialist
11 working with eLitigation Services. I
12 am neither a relative nor employee of
13 any of the parties and have no
14 financial interest in the outcome of
15 this action.

16 Today's date is February 11,
17 2020, and the current time is 9:41.
18 This is the videotaped deposition of
19 Aston George Taylor. The case number
20 is Civil Action Number 2:18-cv-09008-
21 VAP-SS, and the entitled case matter is
22 Tracy Chapman versus Onika Tanya Maraj.
23 This deposition is being taken on
24 behalf of the plaintiff. We are now on
25 the record.

1 7:00 but I just do that for people to tune
2 in and listen. So it would happen in --
3 you know, somewhere in there.

4 Q. Okay. And I think we established
5 earlier that you did, in fact, at some
6 point receive a copy of the song Sorry,
7 correct?

8 A. Yes.

9 Q. That's yes?

10 A. Yes.

11 Q. Okay. And, again, I am not going
12 to go over things again, but can you tell
13 me, to the best of your recollection, if
14 you know --

15 A. Uh-huh.

16 Q. -- the form that you received it
17 in? Was it a direct message? Was it a
18 text? Was it an email? Do you have any
19 recollection?

20 A. It was text.

21 Q. Okay. To your phone?

22 A. I think so.

23 Q. Okay. Do you only have one cell
24 phone?

25 A. Yes.

1 MR. GATTI: Let me mark as the
2 next exhibit, which will be 129. It is
3 three pages of documents Bates numbered
4 Flex 000013 through 000015. We will
5 mark this as 129.

6 (Exhibit 129, document Bates
7 numbered Flex 000013 through 000015,
8 marked for Identification.)

9 Q. I am going to ask you,
10 Mr. Taylor, if you could just take just a
11 quick glance at the three pages and ask you
12 some questions about it.

13 A. Uh-huh.

14 Q. First off, those numbers I have
15 referred to, I will represent to you that
16 these are documents that have been produced
17 by you in connection with the subpoena that
18 was served on you.

19 A. Uh-huh.

20 Q. Do you -- taking a look at these,
21 do you recall or do you recognize these
22 documents?

23 A. Yeah.

24 CO [REDACTED]
NF [REDACTED]

[REDACTED] ID [REDACTED]
[REDACTED] EN [REDACTED]

ENTIAL

[illegible]

CONFIDENTIAL

[illegible]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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EXHIBIT 1200

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[REDACTED]

CONFIDENTIAL

[illegible]

1 in a little different section. This was

2 really to whoever was following me.

3 Whoever was following me.

4 Q. Do you know if Ms. Minaj was
5 following you at that time?

6 A. You know something? This is when
7 you said, I don't -- I don't know. I don't
8 think -- I don't know. I don't know.

9 Q. Did you have -- as of August 11,
10 2018, you -- at or about 7:00 p.m. or
11 thereafter, you broadcast the song Sorry
12 and premiered it --

13 A. Uh-huh.

14 Q. -- as you testified to. You
15 don't need to go over that, but did you
16 have any communications with Ms. Minaj
17 after August 11th?

18 A. After August 11th?

19 Q. After premiered.

20 A. I know she came to the show at
21 some point or I went to Queen Radio. I
22 went to her -- I don't know which one
23 happened first.

24 Q. After you premiered the song
25 Sorry on August 11, 2018, on your show, did

1 don't know if I am using the right word.

2 Q. Did the song Sorry, after you
3 broadcast it, was linked to Hot 97's
4 website, correct?

5 A. I don't know. I'm not sure.

6 Q. Are you aware that the song
7 was -- went viral on the Internet?

8 A. I --

9 MR. MITCHELL: Object to the form
10 of the question.

11 THE WITNESS: I'm not sure.

12 Q. Are you aware of any response to
13 your show, good or bad? The show that --
14 the show that premiered Sorry.

15 A. I do a lot, so, you know, it's
16 not -- it's -- I don't remember. I don't
17 remember. I don't at the time.

18 MR. GATTI: Let me mark as the
19 next exhibit, which will be 130. The
20 document is a one-page document Bates
21 numbered Flex 000002.

22 (Plaintiff's Exhibit 130,
23 one-page document Bates numbered Flex
24 000002, marked for Identification.)

25 Q. I just want to -- as you are

1 looking at it, I just wanted to ask you if

2 you recognize this document.

3 A. Yes. My Tweet.

4 Q. Okay. I was going to say, this
5 is a Tweet from Funk Flex; is that correct?

6 A. Correct. Yes.

7 Q. Do you recall after you see it,
8 that you Tweeted this message?

9 A. Well, it was actually a repost
10 from my Instagram. So as I put on my
11 Instagram, it went through my Twitter at
12 the same time.

13 Q. And just for the record, it says,
14 "Shhh!!!! TONIGHT 7:00 p.m.!!! Nicki gave
15 me something!!! @ Nicki Minaj featuring ft
16 @Nas. (Not on her album). Going to stop
17 the city tonight." With many exclamation
18 points, and it's a reference to Instagram
19 at the bottom.

20 Is that a -- what you were
21 saying, that was a --

22 A. Post. So there is probably a
23 picture associated with it on the Gram.

24 Q. Okay. And it was reTweeted, as
25 it says, 1,030 times. You don't have any

1 your possession, correct?

2 A. When I posted this?

3 Q. Yeah.

4 A. Yes.

5 Q. Okay. Do you recall when in the
6 time period between Ms. Minaj asking for
7 your -- for you to text your mobile number
8 to her on August 10th and 1:55 p.m. on
9 August 11th, when you actually received
10 possession of the song Sorry?

11 A. From -- you are saying if I -- if
12 she --

13 Q. I am saying -- no, I am just
14 saying: Between the time that Ms. Minaj --

15 A. I'm not sure. I'm not sure on
16 that. But I definitely -- somewhere in
17 between before this because I definitely
18 Tweet this after I got it.

19 Q. Okay. So I am correct; so
20 between the time on August 10th that
21 Ms. Minaj direct messaged you asking for
22 your -- your cell phone number and you
23 provided it to her, and 1:55 p.m. on August
24 11, 2018, you came into possession of the
25 song Sorry, correct?

1 Let me mark as Exhibit 133, it's

2 a document Flex 00003 Bates number.

3 One-page document.

4 (Exhibit 133, one-page document

5 Bates stamped Flex 00003, marked for

6 Identification.)

7 THE WITNESS: Uh-huh.

8 Q. Just after looking at this

9 document, again, is that your Twitter

10 account name and picture in the top left

11 corner?

12 A. Yes.

13 Q. Okay. And this one is now at --

14 timestamped 2:34 on August 11, 2018?

15 A. Uh-huh.

16 Q. Which was approximately about

17 40 minutes after your previous Twitter post

18 we talked about; is that correct?

19 A. Uh-huh. Yes.

20 Q. Do you -- can you tell me why

21 there is an -- it's another post of the

22 same -- of the prior posting?

23 A. It's the same thing? I mean, I

24 might Twitter. Okay. So sometimes the way

25 that Facebook is, you may see a couple of

1 Tweets more than once. Sometimes it just
2 does it. I mean, I would have wanted it to
3 go out more than once.

4 Q. And I will show you the post in
5 the prior exhibit, and the post in this
6 exhibit appear to be exactly the same
7 instead of spelling Nicki with a "Y" in the
8 previous post, and I can show you your
9 spelling?

10 A. Might be an "I"?

11 Q. Yes, when you say Nicki gave me
12 something, now it's spelled with an "I."

13 A. It's not spelled with an I.

14 MS. McNAMARA: This is with an
15 "I" too.

16 MR. GATTI: The other one.

17 MS. McNAMARA: Oh, the other one
18 is a "Y." I am sorry.

19 THE WITNESS: I am not sure. I
20 might have corrected it.

21 MS. McNAMARA: Oh.

22 THE WITNESS: I don't know.

23 Q. Again, you are the only one
24 controlling these submissions, these
25 postings?

1 my section, so I would have had to have
2 sent it to the guy running the board. I
3 would have had to send it to the guy who
4 has my computer.

5 Q. Who are those individuals? Who
6 ran the board?

7 A. I'm not sure who was running it
8 that day, but I probably sent it to Tat,
9 and he probably sent it to whoever -- if he
10 wasn't, he would send it to whoever is
11 running it. I mean, it will take it
12 through like three or four people.

13 Q. And who had your computer you
14 said?

15 A. A guy HR.

16 Q. Who is that?

17 A. Former intern.

18 Q. What's his name?

19 A. HR. It really is the letter "H"
20 and letter "R."

21 Q. Do you know him by any other name
22 other than HR?

23 A. I just know him as --

24 Q. Was he hired by the station or
25 directly by you?

1 app page, marked for Identification.)

2 Q. For the record, it's Exhibit 9,
3 number 9. Just looking at this, do you
4 have any recollection of what this is?

5 A. It looks like it's a Hot 97 app;
6 is that correct.

7 Q. That is a printout of the Hot 97
8 app page.

9 A. Uh-huh.

10 Q. And there is a reference to your
11 show.

12 A. Uh-huh.

13 Q. And it says, halfway through --
14 down it says, "Funk Flex mix premier of
15 Nicki Minaj and Nas."

16 A. Yep.

17 Q. And it shows an air date of
18 Saturday, August 11, 2018, at 7:00 p.m.
19 Eastern Time; is that --

20 A. Pow.

21 Q. -- accurate to your reflection as
22 to when the premier occurred?

23 A. Yeah.

24 Q. Do you know if through this app
25 Sorry was posted on the Hot 97 app? Can

1 accessed through the link, through the app?

2 A. I think the mix, meaning that it
3 may be within nine or ten records, but
4 it's -- it's there, you know.

5 Q. Uh-huh?

6 A. It would be -- it's never
7 usually -- I don't think -- it never goes
8 to a song. It goes to a mix or it probably
9 take -- if I played that song for seven
10 minutes, it probably has a 30-minute mix of
11 songs I played before and after. I think.
12 That's usually.

13 Q. I understand. Thanks.

14 After you received a copy of the
15 song Sorry, did you send it to anyone else?

16 A. When I -- well, the board
17 operator on my computer, HR and Tat.

18 Q. Okay. Anybody else you recall
19 sending this out to?

20 A. I don't recall sending it to
21 anyone.

22 (Exhibit 139, document Bates

23 stamped Flex 7, marked for

24 Identification.)

25 MR. GATTI: Let me mark as 139,

1 Flex document number 7. It's a
2 one-page document. It has a reference
3 to some redacting. It is a -- from DJ
4 HR to Funk dated August 11, 2018, at
5 4:48 p.m. Eastern Time.

6 Q. So DJ HR,
7 DJheavyrotation@GMail.com. Do you see
8 that?

9 A. Same person, yes.

10 Q. So that's the HR person who you
11 were referring to?

12 A. Uh-huh.

13 Q. You had at the bottom there what
14 appears to be a message, an email from you,
15 DJ Funk Flex@GMail.com wrote, "Don't email
16 to anyone," and then there is an attachment
17 to a document, which is entitled
18 Sorry72518master. Mp3; do you see that?

19 A. Yes.

20 Q. And it's signed or at least at
21 the end it says Funk Flex? Do you recall
22 sending this email to DJ HR?

23 A. Yep. I remember.

24 Q. And was it sent on or about
25 August 11 at 2:43 p.m. on 2018?

1 A. I am not sure of the time, but I
2 sent it.

3 Q. Do you have any reason to doubt
4 it was sent at that time?

5 A. No.

6 Q. Okay. Did you and DJ HR have any
7 discussions about sending it to him?

8 A. No.

9 Q. What was the purpose for you
10 sending it to DJ HR?

11 A. So he could put it in my
12 computer.

13 Q. And was that in preparation for
14 the show broadcast?

15 A. It plays out of my computer in
16 the mix booth.

17 Q. You said, "Don't email to
18 anyone." What did you mean by that?

19 A. That, you know, I just don't want
20 any -- I don't want the other stations to
21 get it.

22 Q. How did you know that anybody you
23 were getting this recording of Sorry from
24 wasn't already talking to another station?

25 A. That's why I got to get it on

1 A. No.

2 Q. Okay.

3 A. Uh-uh.

4 Q. Were you ever contacted by anyone
5 regarding an investigation into how Sorry
6 was leaked to you?

7 A. No.

8 Q. You said that it was your
9 understanding that Nas didn't want the --
10 you had heard, I think you said, that Nas
11 didn't want the song Sorry to come out?

12 A. Well, I just know that I heard
13 that he didn't want -- I heard that he just
14 didn't want to be rapping with her. It
15 wasn't a particular song.

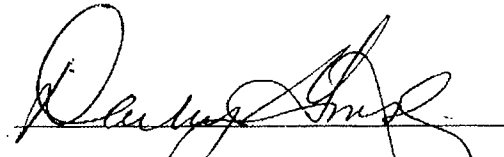
16 Q. Who did you hear that from? Do
17 you recall?

18 A. I mean, you know, these rappers,
19 just, you know, people, people who are in
20 the business that, you know, look, it made
21 him look mushy. Regardless, it's his
22 image.

23 Q. Okay. With respect to these
24 interns and bloggers that work with you, is
25 it -- do you recall if any one of those

1 I declare under penalty of perjury
2 under the laws of New York that the
3 foregoing is true and correct.

4 Dated this 18th day of February, 2019

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8 DARBY L. GINSBERG
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1 February 11, 2020

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3 ERRATA

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5 PAGE/LINE CHANGE/REASON

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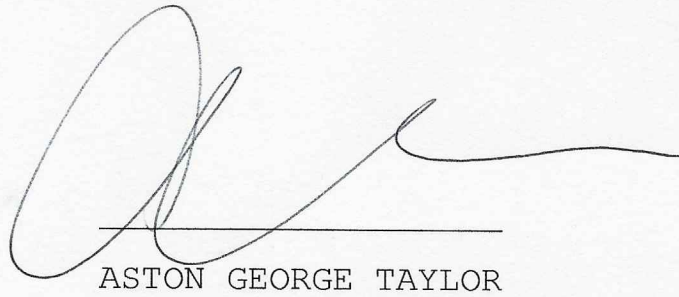
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#603
Aston George Taylor

Page 326

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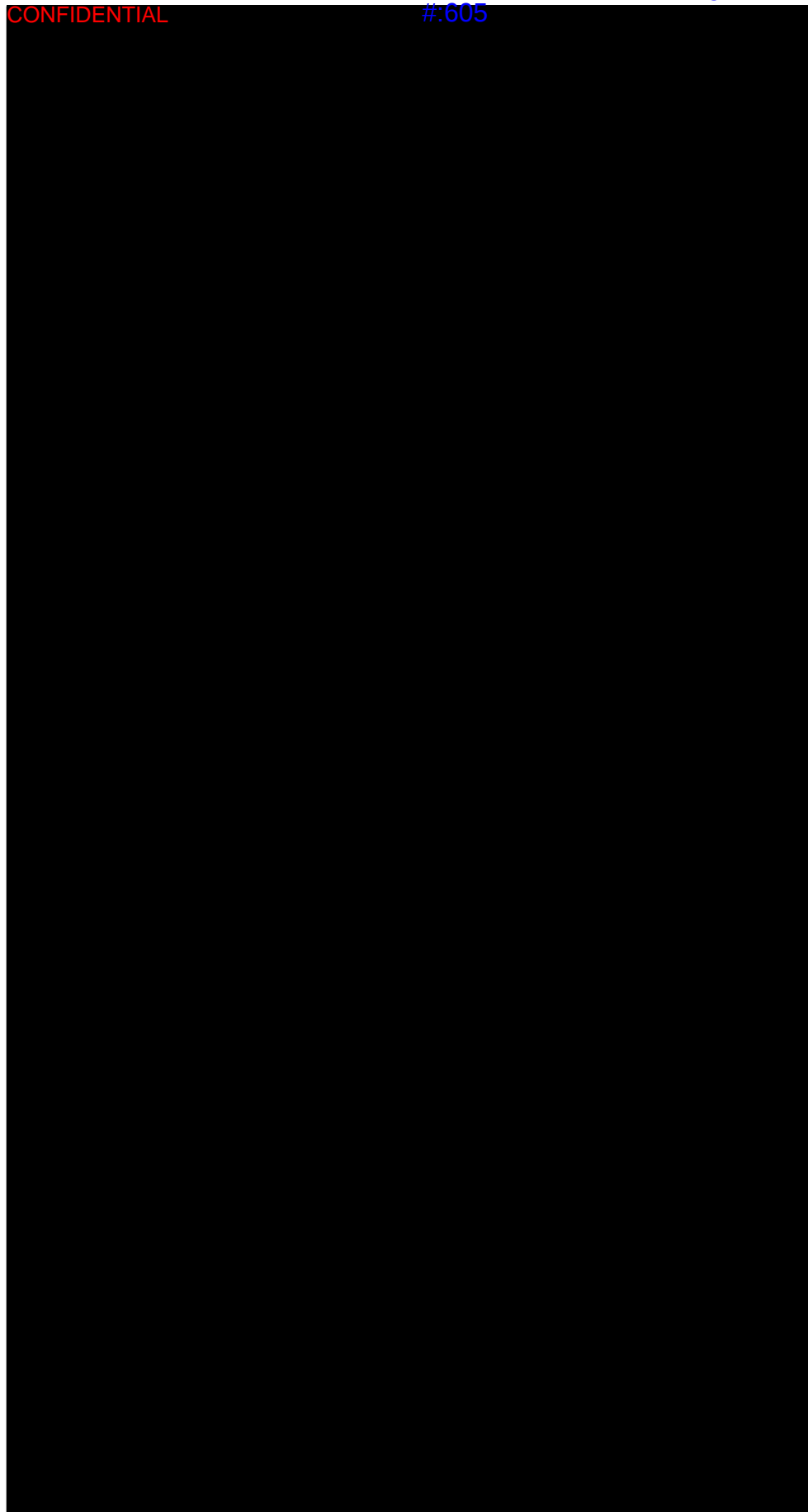
ASTON GEORGE TAYLOR

Subscribed and sworn to
before me this day
of 2020

EXHIBIT 17

CONFIDENTIAL

#605



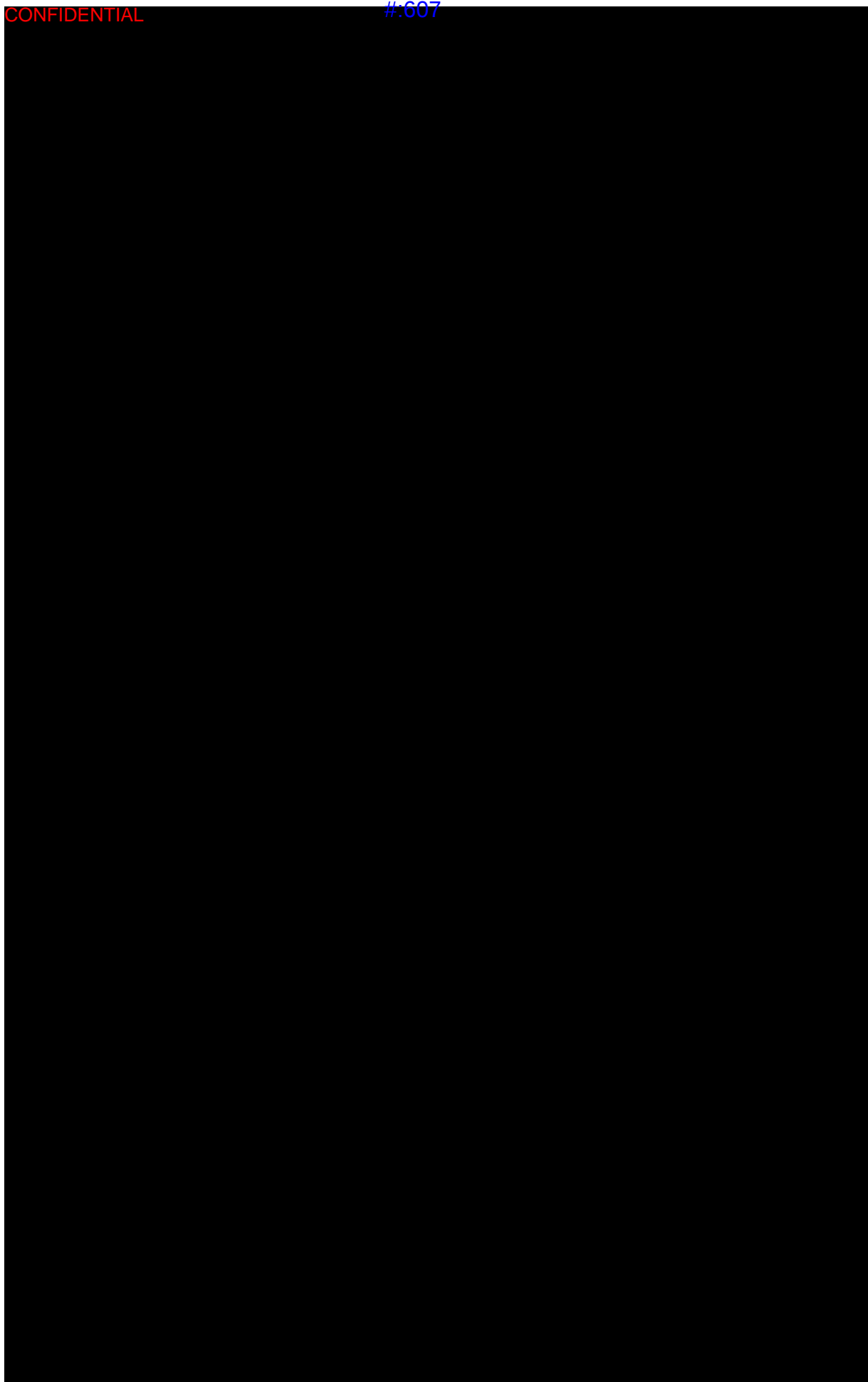
CONFIDENTIAL



MINAJ000033

CONFIDENTIAL

#607



MINAJ000034

CONFIDENTIAL



MINAJ000035

CONFIDENTIAL



MINAJ000036

CONFIDENTIAL



MINAJ000037

EXHIBIT 18

Eric Lauritsen

From: Big Juice <eljugo205@gmail.com>
Sent: Thursday, September 5, 2019 8:46 PM
To: Danielle Price
Subject: Fwd: Nicki Minaj - Sorry - Chris Athens Masters

Hello. I'm Aubry Delaine, Nicki's Engineer. Here is the email thread if have regarding "Sorry". It's between me and the Mastering engineer. Let me know if this helps. My number is 2052330560 if you need to reach me.

Thx!

----- Forwarded message -----

From: **Big Juice** <eljugo205@gmail.com>
Date: Mon, Aug 13, 2018 at 9:23 AM
Subject: Re: Nicki Minaj - Sorry - Chris Athens Masters
To: Gee Roberson <geemaverick@gmail.com>, Jean Nelson <Jeannelson@maverick.com>, Kurt Bradley <kurt@chrisathensmasters.com>
CC: Chris Athens <chris@chrisathensmasters.com>, DC <dc@chrisathensmasters.com>, Dave Huffman <dave@chrisathensmasters.com>

Looping in management.

On Mon, Aug 13, 2018 at 9:21 AM Kurt Bradley <kurt@chrisathensmasters.com> wrote:
Hey Juice,

Who's handling the billing on this one if it's not going to the label? Thanks!

KB

On Fri, Aug 10, 2018 at 9:04 PM DC <dc@chrisathensmasters.com> wrote:
Hi Juice,

Below is a link to download the clean version of **Sorry** by **Nicki Minaj**:

http://client.chrisathensmasters.com/_CHUzkeOa3xvuR

Please note this link will expire after one download.***

Let us know if there's anything else we can provide.

Thanks!
DC

David Castro - Assistant Engineer at [Chris Athens Masters](#)

Exhibit152
G. Roberson
February 25, 2020
Rptr: D. Paholski

On Fri, Aug 10, 2018 at 9:12 PM, DC <dc@chrisathensmasters.com> wrote:
Hi Juice!

Below is a link to download the new song called **Sorry** by **Nicki Minaj**:

http://client.chrisathensmasters.com/_KTHRHhySJ3gvdR

Please note this link will expire after one download.***

Let us know if there's anything else we can provide.

Thanks!
DC

David Castro - Assistant Engineer at [Chris Athens Masters](#)

--

Sent from a touch screen

--

Aubry "Big Juice" Delaine Juicebox Entertainment (205) 233-0560

--

Aubry "Big Juice" Delaine Juicebox Entertainment (205) 233-0560

EXHIBIT 19

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRACY CHAPMAN,)
)
PLAINTIFF,)
)
vs.)
)
ONIKA TANYA MARAJ p/k/a)
NICKI MINAJ and DOES 1-10,)
)
DEFENDANTS.)
_____)

CASE NO. 2:18-cv-09088-VAP-SS

VIDEOTAPED DEPOSITION OF AUBRY DELAINE

Taken on July 27, 2020



Court Reporting • Video • Trial Presentation

LA 310.230.9700 • SF 415.445.0105
els@elitigationsservices.com • www.elitigationsservices.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY CHAPMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case Number
)	2:18-cv-09088-VAP-SS
ONIKA TANYA MARAJ p/k/a)	
NICKI MINAJ and DOES 1-10,)	
)	
Defendants.)	
_____)	

Videotaped Deposition of AUBRY DELAINE, taken
remotely on behalf of Plaintiff, at Los Angeles,
California, beginning at 11:04 a.m. and ending at
2:48 p.m., on July 27, 2020, before Christianne Lee
Fong, CSR Number 7559, CCRR.

1 APPEARANCES:

2 FOR THE PLAINTIFF TRACY CHAPMAN:

3 MANATT, PHELPS & PHILLIPS, LLP

BY: JOHN M. GATTI, ESQ.

4 (Via Videoconference)

BY: NICHOLAS FRONTERA, ESQ.

5 (Via Videoconference)

2049 Century Park East

6 Suite 1700

Los Angeles, California 90067

7 310.312.4169

jgatti@manatt.com

8 nfrontera@manatt.com

9
10 FOR DEFENDANT ONIKA TANYA MARAJ p/k/a NICKI MINAJ:

BROWNE GEORGE ROSS LLP

11 BY: PETER W. ROSS, ESQ.

(Via Videoconference)

12 2121 Avenue of the Stars

Suite 2800

13 Los Angeles, California 90067

310.274.7100

14 pross@bgrfirm.com

15 ALSO PRESENT:

16 Collette Stark, Videographer

17 (Via Videoconference)

#618

AUBRY DELAINE

JULY 27, 2020

Page 3

1 I N D E X

2 W I T N E S S :

3	AUBRY DELAINE	PAGE
4	BY MR. GATTI:	7
5	BY MR. ROSS:	114
6	BY MR. GATTI:	120

7

8

9 INFORMATION REQUESTED

10	PAGE	LINE
11	20	10

12

13

14 QUESTIONS INSTRUCTED NOT TO ANSWER

15 (None)

16

17

18 EXHIBITS PREVIOUSLY MARKED AND ATTACHED:

19	PLAINTIFF'S	DESCRIPTION	PAGE
20	Exhibit 117	Email Chain, UMG CONFIDENTIAL 000002 - 000006	54
21	Exhibit 146	Email Chain, Blueprint000004 - Blueprint000005	59
22	Exhibit 152	8/10/18 Email Chain, MINAJ 0000001 - MINAJ 0000002	86
23	Exhibit 153	Minaj and Flex Instagram Messages, FLEX 000013 - FLEX 000015	80
24			
25			

#619

AUBRY DELAINE

JULY 27, 2020

Page 4

1 EXHIBITS PREVIOUSLY MARKED AND ATTACHED: (Continued)

2 PLAINTIFF'S DESCRIPTION PAGE

3 Exhibit 154 Flex Instagram Post, 78
EMMIS000004

4

5

6 EXHIBITS MARKED:

7 PLAINTIFF'S DESCRIPTION PAGE

8 Exhibit 158 Subpoena to Testify at a 33
Deposition in a Civil Action

9

10 Exhibit 159 Subpoena to Produce Documents, 34
Information, or Objects or to
11 Permit Inspection of Premises
in a Civil Action12 Exhibit 160 8/10/18 Email from 106
dc@chrisathensmasters.com to
13 Big Juice

14 Exhibit 161 Email Chain 109

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1 Los Angeles, California; Monday, July 27, 2020

3 THE VIDEOGRAPHER: We are on the record.

4 My name is Collette Stark. I'm a notary
5 public contracted by eLitigation Services. I'm not
6 interested in this action, nor am I a relative or
7 employee of any of the attorneys or any of the
8 parties.

9 Today is July 27, 2020. The time is
10 11:04 a.m. This video deposition is taken remotely
11 via LiveLitigation. The name of the case is "Chapman
12 vs. Minaj," filed in the United States District Court,
13 Central District of California, Case Number
14 2:18-cv-09088-VAP-SS. This is Volume I in the
15 videotaped deposition of Aubrey Delaine.

16 Would the attorneys introduce themselves and
17 state whom you represent.

18 MR. GATTI: Yes. This is John Gatti,
19 G-a-t-t-i. I'm appearing and representing Ms. Tracy
20 Chapman, the plaintiff in this matter.

21 MR. FRONTERA: This is Nick Frontera, also on
22 behalf of the plaintiff, Tracy Chapman.

23 MR. ROSS: Pete Ross, representing Onika
24 Maraj.

25 THE VIDEOGRAPHER: We are ready to proceed.

1 The court reporter today is Christianne Fong
2 with eLitigation Services. She will administer the
3 oath.

4 THE REPORTER: The attorneys participating in
5 this deposition acknowledge that I am not physically
6 present with the witness and that I will be reporting
7 this deposition remotely. They further acknowledge
8 that, in lieu of an oath administered in person, the
9 oath will be administered remotely and the witness
10 will declare that his/her testimony in this matter is
11 under penalty of perjury.

12 Before we proceed, I will ask counsel to
13 agree on the record that there is no objection to my
14 administering a binding oath to this witness not
15 appearing personally before me.

16 Please state your name and agreement on the
17 record.

18 MR. GATTI: John Gatti --

19 THE WITNESS: I'm sorry.

20 MR. GATTI: I'm sorry, Mr. Delaine.

21 This is John Gatti. I agree.

22 MR. ROSS: Pete Ross. I agree.

23
24 AUBRY DELAINE,
25 having been duly affirmed, was

1 examined and testified as follows:

2

3 EXAMINATION

4 BY MR. GATTI:

5 Q Okay. Good morning, Mr. Delaine. My name is
6 John Gatti. We met a little bit earlier at the
7 beginning. As I stated earlier, I represent the
8 plaintiff in this case, Tracy Chapman. I'm just going
9 to go -- very nice to meet you.

10 I'm going to go over the guidelines for a
11 general deposition to show you -- talk through some of
12 the instructions, so hopefully make this go smoothly
13 and to go ahead and get you out of here in a timely
14 fashion. We appreciate you taking the time out of
15 your day today, and we will try to make this go as
16 quickly as possible.

17 This is a unique situation, the video. So
18 I'll apologize for any interruptions --

19 THE VIDEOGRAPHER: We're going to need to go
20 off the record, please.

21 Off the record. The time is 11:08 a.m.

22 (A discussion was held off the record.)

23 THE VIDEOGRAPHER: We are back on the record.

24 The time is 11:10 a.m.

25 ///

1 Generally speaking, how would you describe
2 your services that you provide as an engineer working
3 with Ms. Maraj when the two of you are working on a
4 recording?

5 A My services are to record and engineer the
6 audio. Or the audio recordings that she makes. I
7 record the songs and prep the songs for release to the
8 public. In a general sense. Like recording, mixing,
9 and mastering services.

10 Q While you're providing those services for
11 Ms. Maraj, do you maintain possession of the
12 recordings that you are working on --

13 A Yes.

14 Q -- with Ms. Maraj?

15 Is there anyone else during these recording
16 sessions that obtains copies of any recordings while
17 they're being worked on?

18 A Yes.

19 Q Who else would get copies? Specifically with
20 Ms. Maraj.

21 A Mostly -- mostly it would be her and that's
22 it. Well -- yeah, mostly just her.

23 Q As you said earlier, I assume it's important
24 to you and Ms. Maraj that while you're working on
25 recording before the release to the public, that you

1 and she maintain strict confidence on the recordings?

2 A Yes.

3 Q Are there procedures that you and Ms. Maraj
4 put in place to make sure that the recordings you and
5 she are working on do not get leaked inadvertently to
6 the public or intentionally by somebody who wants to
7 get access to her work?

8 A Yes.

9 Q Can you describe for us generally what you do
10 to protect the songs and the recordings from getting
11 out before she wants them to get out?

12 A Basically, limit the amount of transfers.
13 The type of transfers are normally -- limited or very
14 secure, meaning that if I have to send a song to
15 someone, I guess, outside of the room at the time or
16 someone else, it will be, like, an encrypted link and
17 it will only go out to whoever has to have it, you
18 know, for legal purposes or for marketing purposes or
19 whatever purposes.

20 Q And is that always the process that you and
21 Ms. Maraj follow, when a link for any of her
22 recordings go out, that they're encrypted?

23 A Yes. Yes.

24 Q How do you normally -- excuse me. What is
25 the mode of transferring such recordings when

1 Ms. Maraj asks you to send a recording to a third
2 party?

3 A A third party, it's either text message, if
4 that's applicable, which is the most secure way we
5 transfer music. Other than that, it would be a
6 encrypted link through email.

7 Q And in your experience have you been the one
8 that, when a recording of Ms. Maraj's was to be sent
9 out, whether through text message or encrypted email,
10 to a third party, are you the one who is tasked with
11 sending that out?

12 A Yes.

13 Q How long have you been working for Ms. Maraj?
14 When did you start working for her?

15 A Six years. It was February 2014.

16 Q And is it correct to say that since
17 February 2014 you have worked with Ms. Maraj on every
18 single one of her recordings?

19 A Yes.

20 Q And this is just background.

21 In those situations where you worked with
22 Ms. Maraj, has that always been as a recording
23 engineer for her?

24 A Yes.

25 Q Have you been the sole engineer on

1 Ms. Maraj's recordings since 2014?

2 A I've been the sole recording engineer, yes.

3 Q Okay.

4 Others that have testified in this matter
5 have described you as the person who -- as you have
6 just told me, but I just want to see if this is
7 your -- you agree with this description -- that you
8 are the person who all of Ms. Maraj's recordings run
9 through.

10 So, if somebody wants to get a recording of a
11 Ms. Maraj recording that she's working on, they would
12 have to go through yourself.

13 Is that how you understand it?

14 A Yes. Generally, yes. For the most part,
15 yes. That's correct.

16 Q Have you ever, since working with Ms. Maraj
17 since 2014, February of 2014 to the present, do you
18 recall ever sending out any recordings of Ms. Maraj's
19 to a third party without you receiving an instruction
20 from Ms. Maraj to send out that recording?

21 A No.

22 Q It's not your practice --

23 A For unreleased music, no.

24 Q Okay.

25 What about for music that's already been

1 hopefully very quickly today, and I appreciate you're
2 doing a great job so far as far as responding and
3 waiting for me; so that's great.

4 I didn't say this before, but even though
5 we're in this strange setup, if at any time you want
6 to take a break, you know, feel free to let us know.
7 So I just want to make you know that.

8 A Okay, thank you.

9 Q Sure.

10 From the time that you started working with
11 Ms. Maraj in February 2014 to the present date, has
12 Ms. Maraj ever reprimanded you or objected to -- well,
13 first off, let me say, has she ever reprimanded you
14 for sending out a recording that has not been released
15 without her permission?

16 A No.

17 Q Have you from that date, February 2014 to the
18 present date, have you ever to your knowledge released
19 a unreleased Maraj recording to a third party without
20 Ms. Maraj's instruction to do so?

21 A No.

22 Q Have you ever been the subject of an inquiry
23 from Ms. Maraj or any of her representatives
24 investigating any potential leaks of Ms. Maraj's
25 unreleased recordings since the time you started to

1 middle of the page, there's a reference to, August 3,
2 "I will make a movie," which is from Flex.

3 And then on August 10, I will represent that
4 there's a Instagram message from Ms. Maraj that says
5 (as read):

6 You got me tonight? The song is me
7 and Nas.

8 Again, other than the recording of "Sorry,"
9 are you aware of any other song that you worked on
10 with Ms. Maraj that featured Nas other than "Sorry"?

11 A At that moment in time, no, sir, I was not
12 aware.

13 Q If you turn for us to the second page of this
14 exhibit. If you look at that, Mr. Delaine, again,
15 we're talking about August 10. Again, there's a
16 repeat of this from Ms. Maraj, "You got me tonight?"

17 Then there's some redaction. Ms. Maraj asks
18 for -- says "Send your number to Flex," and there's a
19 reference to a number.

20 Do you have any recollection if that's Flex's
21 phone number? Starting with 646?

22 A I have no recollection of his phone number,
23 no, sir.

24 Q Then August 10 Ms. Maraj writes to Flex
25 messages, "Okay, I'll text," after she receives Flex's

1 Q I'm sorry.

2 A Go ahead, I'm sorry.

3 I'll say no, he did not, not to my
4 recollection.

5 Q Let me ask you, the exhibits that I've shown
6 you, Exhibit 154 and 153, does it refresh your
7 recollection at all that someone had asked you to get
8 a master of "Sorry" in or about August of 2018?

9 A I'm sorry, I don't recall anyone reaching out
10 for the master to "Sorry."

11 Q Did you ever gain knowledge one way or the
12 other whether Ms. Maraj had actually texted a copy of
13 "Sorry" to Flex?

14 A No, I did not have any knowledge of that, no,
15 sir.

16 Q Let me mark Exhibit -- a document which was
17 previously marked as Exhibit 152. It is Number 7 on
18 the tab. It's an email chain regarding mastering
19 "Sorry."

20 (Exhibit 152 previously marked.)

21 BY MR. GATTI:

22 Q If you look at the very bottom of the first
23 page of Exhibit 152, which is marked Minaj 0000001 --
24 and the second page is 02, Minaj 02.

25 If you look at the very bottom of the first

1 page, though, there's a mention of David Castro,
2 assistant engineer at Chris Athens Masters.

3 And as we get along to the second page of
4 that document -- Collette -- at the very top it's --
5 Mr. Castro on Friday, August 10, 2018, at 9:12 p.m.
6 wrote (as read):

7 Hi Juice! Below is a link to
8 download a new song called "Sorry" by
9 Nicki Minaj.

10 And there's a link there. (As read):

11 Please note that this link will
12 expire after one download. Let us know
13 if there's anything else we can provide.
14 Thanks, DC.

15 You're familiar with David Castro, assistant
16 engineer at Chris Athens Masters?

17 A Yes.

18 Q Okay. And have you seen this document
19 before?

20 A Yes.

21 Q So is it correct that on August 10, 2018, at
22 9:12 p.m. that Mr. Castro sent you a link to download
23 the new song called "Sorry" by Nicki Minaj?

24 A Yes.

25 Q It says that the link will expire after one

1 download.

2 Is that normal course to maintain

3 confidentiality?

4 A Yes.

5 Q Is that an encrypted link?

6 A I don't recall -- yes -- I mean, can I say
7 that this -- do I remember if this link was encrypted
8 or not? No, do I not. But normally it is. Normally
9 it is, yeah.

10 Q Like, looking at the link itself, can you
11 tell one way or the other whether it's encrypted?

12 A No, I can't tell by looking at it, no.

13 Q Does this refresh your recollection that on
14 August 10, 2018, you had asked Mr. Castro of Chris
15 Athens Mastering to send you a link of "Sorry"?

16 A Actually, no. I asked him to send me all of
17 the songs that they've mastered. I don't recall
18 asking specifically for "Sorry," no.

19 Q But you don't have any reason to doubt that
20 Mr. Castro sent his email to you only providing the
21 song "Sorry" and a link to download the song "Sorry"
22 on August 10, 2018? You don't have any reason to
23 doubt that this was in response to a request you had
24 made?

25 A I'm sorry, but I don't recall the specifics

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF LOS ANGELES)

4 I, Christianne Lee Fong, CSR 7559, CCRR, a
5 Certified Shorthand Reporter in and for the County of
6 Los Angeles, the State of California, do hereby
7 certify:

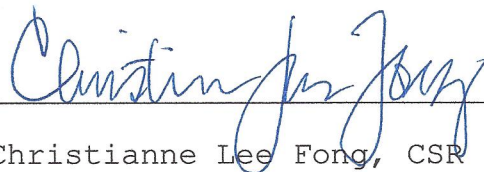
8 That, prior to being examined, the witness
9 named in the foregoing deposition was by me duly sworn
10 to testify the truth, the whole truth, and nothing but
11 the truth;

12 That said deposition was taken down by me in
13 shorthand at the time and place therein named, and
14 thereafter reduced to typewriting by computer-aided
15 transcription under my direction.

16 I further certify that I am not interested in
17 the event of the action.

18 In witness whereof, I have hereunto
19 subscribed my name.

20
21 Dated: August 8, 2020
22

23
24 
25

Christianne Lee Fong, CSR 7559, CCRR

AUBRY DELAINE
JULY 27 2020

Page 124

1 STATE OF CALIFORNIA)
2) Ss.
3 COUNTY OF LOS ANGELES)
4
5

6 I, AUBRY DELAINE, hereby certify under
7 penalty of perjury under the laws of the State of
8 California that the foregoing is true and correct.

9 Executed this 14th day of August,
10 2020, at Marina Del Rey, California.
11

12
13
14 AUBRY DELAINE
15
16
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18
19
20
21
22
23
24
25

EXHIBIT 20



Funk Flex!!!! ✓

@funkflex

Follow

Shhhhhhhh!!!! TONIGHT 7PM!!! NICKY GAVE ME SOMETHING!!! @nickiminaj ft @nas !!! (NOT ON HER ALBUM!) GONNA STOP THE CITY TONIGHT!!!!!!!!!!!!!!

[instagram.com/p/BmWQWRbDxt_/](https://www.instagram.com/p/BmWQWRbDxt_/) ...

1:55 PM - 11 Aug 2018

1,030 Retweets 2,435 Likes



162 1.0K 2.4K



Tweet your reply



Marouf @Marouf08 · 11 Aug 2018

Replying to @funkflex @NICKIMINAJ @Nas

Make sure Nicki is apologizing to all the kids who gets bullied everyday because of their body. She used that word "Fat" to body shaming @djkhaleed. This should be outrageous to all the people. Please, do this to all the people who gets discriminated because of their body.

1



Houston1223 @Houston12231 · 11 Aug 2018

Replying to @funkflex @NICKIMINAJ @Nas

I hope you can keep playing Nicki music she's the best better yet the Queen 🍑

11



LEXITRON @onikaslaysme · 11 Aug 2018

Replying to @funkflex @NICKIMINAJ @Nas

who tf is nicky

1 7



FLEX 000002

EXHIBIT 21



Funk Flex !!!!! ✓

@funkflex

Follow



Shhhhhhhh!!!! TONIGHT 7PM!!! NICKI GAVE ME SOMETHING!!! @nickiminaj ft @nas !!! (NOT ON HER ALBUM!) GONNA STOP THE CITY TONIGHT!!!!!!!!!!!!!!

[instagram.com/p/BmWQWRbDxt_/](https://www.instagram.com/p/BmWQWRbDxt_/) ...

2:34 PM - 11 Aug 2018

181 Retweets 460 Likes



20



181



460



Tweet your reply



Tom Crewz @CrewzTom · 11 Aug 2018

Replying to @funkflex @NICKIMINAJ @Nas
WACK



Keyshawn (Karris) Head @JohnSmithIsIt · 11 Aug 2018

Replying to @funkflex @santanamarley44 and 2 others

Wtf dope dealing fyntnal slanging think they worth a bill nas lmao she said you nas bay meaning the bay meaning me ok we made a song I disnt get clearance its on my page we been talking ok stop the b.s. wit ya self



Jaye Cole 🇺🇸 @JayeWinehouse · 11 Aug 2018

Replying to @funkflex @NICKIMINAJ @Nas

Sir it's "NICKI"



FLEX 000003

EXHIBIT 22

Redact A/C

From: DJ HR <djheavyrotation@gmail.com>
Date: August 11, 2018 at 4:48:28 PM EDT
To: Funk <djfunkflex@gmail.com>
Subject: Re: 01 Sorry - 72518 - master.mp3

Ok

Sent from my iPhone

On Aug 11, 2018, at 3:43 PM, Funk <djfunkflex@gmail.com> wrote:

Don't email to anyone

<01 Sorry - 72518 - master.mp3>

FunkFlex

CONFIDENTIAL

1



FLEX 000007

EXHIBIT 23

The screenshot shows the Funk Flex website. At the top is a navigation bar with links like 'HOME', 'ABOUT', 'CONTACT', 'FAQ', 'SCHEDULE', 'MERCH', 'GALLERY', 'VIDEOS', 'ON AIR', 'CONTESTS', 'EVENTS', 'PHOTOS', and 'PRESS'. Below the navigation bar is a banner for 'Weich's SNACK FRUIT FULLY'. The main content area features a news article titled 'Funk Flex drops an exclusive Nicki Minaj track with Nas' dated Aug 11, 2019. The article includes a photo of Funk Flex and a quote from him: 'Shhhhhhh TONIGHT 7PM!!! I GOT SOMETHING!! (Goddamn) M. (Goddamn) III (NOT ON HER ALBUM) GONNA STOP THE CITY TONIGHT!!!!!! Instagram: @funkflex. @WTFLEX'. Below the article is a video player for 'Funk Flex Mix premiering Nicki Minaj x Nas'. At the bottom, there are 'RELATED ARTICLES' including 'Future Addresses His Bodyguard Getting Knocked Out, Says He Was Not Involved', 'ASAP Rocky's Mom Speaks Out About Rocky's 'Unjust' Sweden Arrest', and 'SMH! Bow Wow Disrespects Clara During A Performance: 'I Had This Bitch First''. The footer contains 'HOT97 Links' and 'Other Links'.



EMMIS 000001

EXHIBIT 24

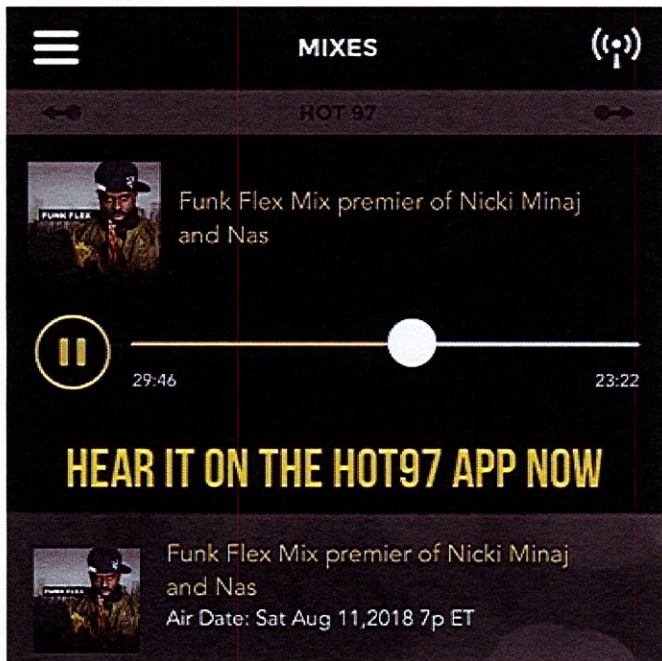
3:33



Posts



hot97



13,524 views

hot97 If you missed it...hear it again, @funkflex
dropped 🍌s on @nickiminaj + @nas. Listen
🔗 IN BIO or on the HOT97 App in Mixes !

View all 32 comments

August 11, 2018



EXHIBIT 25

Message

From: Crawshaw-Sparks, Sandra A. [/O=PROSKAUER/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SCRAWSHAW29776577]
Sent: 11/18/2019 7:10:28 PM
To: Weil, Simona [/o=Proskauer/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Weil, Simona97c]
Subject: Fwd: Tracy Chapman

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: G Roberson <geemaverick@gmail.com>
Date: 11/18/19 5:54 PM (GMT-05:00)
To: "Crawshaw-Sparks, Sandra A." <SCrawshaw@proskauer.com>
Subject: Fwd: Tracy Chapman

Begin forwarded message:

From: G Roberson <Geemaverick@gmail.com>
Date: August 11, 2018 at 4:47:33 AM GMT+2
To: "Phillips, Lee" <lphillips@manatt.com>
Cc: Peter Bittenbender <peter@massappeal.com>, "tgelfand@grflp.com" <tgelfand@grflp.com>
Subject: Re: Tracy Chapman

Hello, not sure why I was on this chain being that I don't represent the producer or asked the producer to reach out on this matter. I was made aware of the denied use via our email on Aug 2nd and the album is in stores without the requested sample.

On Aug 10, 2018, at 3:06 PM, Phillips, Lee <lphillips@manatt.com> wrote:

I understand. Perhaps the manager can respond directly as I sent another e mail after this one, but I won't bother you further on this.

Lee Phillips
Partner

Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd
Los Angeles, CA 90064
D (310) 312-4111 F (310) 914-5850

lphillips@manatt.com
manatt.com

Exhibit150
G. Roberson
February 25, 2020
Rptr: D. Paholski

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From: Peter Bittenbender [<mailto:peter@massappeal.com>]
Sent: Friday, August 10, 2018 1:49 PM
To: Phillips, Lee
Cc: tgelfand@grflp.com; geemaverick@gmail.com
Subject: Re: Tracy Chapman

Hi Phillip

Thank you for your time.

I have made it clear I don't represent Nicki or have any control over the record. I was told to call you by someone who works with Ms Chapman and did so on behalf of the songs producer. I have never even heard the final song as mentioned when we spoke. I just saw your email so wanted to follow up on this thread to make sure it was all clear.

Thank you.

On Wed, Aug 8, 2018 at 8:41 PM, Phillips, Lee <lphillips@manatt.com> wrote:
Just to confirm our conversation, you confirmed that the track with the proposed sample will not be on the album being released or otherwise released, since the sample is not being licensed. I am copying Nicki's manager on this e mail as you suggested. I appreciate your understanding of my client's position. I am also copying Todd Gelfand who is the business manager for Ms Chapman and handles the administration of her publishing rights.

Lee Phillips
Partner

Manatt, Phelps & Phillips, LLP
[11355 W. Olympic Blvd](#)
[Los Angeles, CA 90064](#)
D (310) 312-4111 F (310) 914-5850

lphillips@manatt.com
manatt.com

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From: Phillips, Lee
Sent: Wednesday, August 08, 2018 2:57 PM
To: 'peter@massappeal.com'
Cc: tgelfand@grflp.com
Subject: RE: Tracy Chapman

In looking at the original phone message, it does appear it has to do with a Nicky Minaj release and that request has been turned down several times.

Lee Phillips

Partner

Manatt, Phelps & Phillips, LLP
[11355 W. Olympic Blvd](#)
[Los Angeles, CA 90064](#)
D (310) 312-4111 F (310) 914-5850

lphillips@manatt.com
manatt.com

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From: Phillips, Lee
Sent: Wednesday, August 08, 2018 2:53 PM
To: 'peter@massappeal.com'
Cc: tgelfand@grflp.com
Subject: Tracy Chapman

I am sorry I missed your call while I was out to lunch. I believe you are calling about a Tracy Chapman song for permission to license. I called you back to get details, but you are not available. If this relates to a Nicky Minaj release, the request has been rejected several times. If something else, let me know right away.

Lee Phillips
Partner

Manatt, Phelps & Phillips, LLP
[11355 W. Olympic Blvd](#)
[Los Angeles, CA 90064](#)
D (310) 312-4111 F (310) 914-5850

lphillips@manatt.com
manatt.com

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--
Peter Bittenbender
CEO / Mass Appeal

212.343.8486 (o)
428 Broadway 2nd Floor
New York, NY 10013

EXHIBIT 26

CERTIFICATE OF COPYRIGHT REGISTRATION

FORM PA

UNITED STATES COPYRIGHT OFFICE



This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

Thina Road

REGISTER OF COPYRIGHTS
United States of America

REGISTRATION NUMBER

PAU
PA

556-755

PAU

EFFECTIVE DATE OF REGISTRATION

OCT 20 1983

(Month)

(Day)

(Year)

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM PA/CON)

TITLE OF THIS WORK:

Anthology of Songs by Tracy Chapman, II

NATURE OF THIS WORK: (See instructions)

Words and Music

PREVIOUS OR ALTERNATIVE TITLES:

1

Title

2

Author(s)

IMPORTANT: Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.

NAME OF AUTHOR: Tracy Lenett Chapman

Was this author's contribution to the work a "work made for hire"? Yes..... No...X

DATES OF BIRTH AND DEATH:

Born 1964 Died

AUTHOR'S NATIONALITY OR DOMICILE:

1 Citizen of United States } or { Domiciled in

(Name of Country)

(Name of Country)

AUTHOR OF: (Briefly describe nature of this author's contribution)

Words and Music

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes..... No...X
Pseudonymous? Yes..... No...X

If the answer to either of these questions is "Yes," see detailed instructions attached.

NAME OF AUTHOR:

Was this author's contribution to the work a "work made for hire"? Yes..... No.....

DATES OF BIRTH AND DEATH:

Born Died

AUTHOR'S NATIONALITY OR DOMICILE:

2 Citizen of } or { Domiciled in

(Name of Country)

(Name of Country)

AUTHOR OF: (Briefly describe nature of this author's contribution)

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes..... No.....
Pseudonymous? Yes..... No.....

If the answer to either of these questions is "Yes," see detailed instructions attached.

NAME OF AUTHOR:

Was this author's contribution to the work a "work made for hire"? Yes..... No.....

DATES OF BIRTH AND DEATH:

Born Died

AUTHOR'S NATIONALITY OR DOMICILE:

3 Citizen of } or { Domiciled in

(Name of Country)

(Name of Country)

AUTHOR OF: (Briefly describe nature of this author's contribution)

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:

Anonymous? Yes..... No.....
Pseudonymous? Yes..... No.....

If the answer to either of these questions is "Yes," see detailed instructions attached.

3

Creation and Publication

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED:

Year August 1983

(This information must be given in all cases.)

DATE AND NATION OF FIRST PUBLICATION:

Date.....

(Month)

(Day)

(Year)

Nation.....

(Name of Country)

(Complete this block ONLY if this work has been published.)

4

Claimant(s)

NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):

Tracy Chapman
9007 Miles Park Ave.
Cleveland, Ohio 44105

TRANSFER: (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)

PAU

556-755

EXAMINED BY:
CHECKED BY: #650APPLICATION RECEIVED:
20 OCT 1983

CORRESPONDENCE:

☐ Yes

DEPOSIT RECEIVED:

20 OCT 1983

DEPOSIT ACCOUNT
FUNDS USED:☐

REMITTANCE NUMBER AND DATE:

17133 OCT 20 83

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM PA/CON)

PREVIOUS REGISTRATION:

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes No ☒
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
 - ☐ This is the first published edition of a work previously registered in unpublished form.
 - ☐ This is the first application submitted by this author as copyright claimant.
 - ☐ This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number Year of Registration

5

Previous
Registration

COMPILATION OR DERIVATIVE WORK: (See instructions)

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)

6

Compilation
or
Derivative
Work

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name:

Account Number:

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: Tracy L. Chapman

Address: 9007 Miles Park Ave.

Cleveland, Ohio 44105
(City) (State) (ZIP)

7

Fee and
Correspondence

CERTIFICATION: * I, the undersigned, hereby certify that I am the: (Check one)

☒ author ☐ other copyright claimant ☐ owner of exclusive right(s) ☐ authorized agent of: Tracy Lenett Chapman

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.



Handwritten signature: (X) Tracy Chapman

Typed or printed name: Tracy Lenett Chapman

Date 10/16/83

8

Certification
(Application
must be
signed)

Tracy Chapman

(Name)

9007 Miles Park Ave.

(Number, Street and Apartment Number)

Cleveland,

Ohio

44105

(City)

(State)

(ZIP code)

MAIL
CERTIFICATE
TO(Certificate will
be mailed in
window envelope)

9

Address
For Return
of
Certificate

EXHIBIT 27

From: [Chris Athens](#)
To: [Gatti, John](#)
Subject: "Sorry" info.
Date: Tuesday, August 11, 2020 4:36:50 PM

Below is an email from my former assistant. Apparently **Juice** sent it to us after texting my former assistant about it. We mastered it and sent it back.

It's not super unusual for an artist to tell us not to send a particular song to the label [or a specific person]. There can be many reasons why. We don't ask. We just follow their instructions. The guys copied in this email are my manager [Kurt] and my other assistant [Dave]. The purpose of cc'ing them is just to keep the whole team in the loop on what we have to do that day etc.

Hope this helps. Can't find anything else that mentions this song that you don't already have. Let me know if there's anything else.

Best,

C.

Nicki Minaj - "Sorry" - song from Serban

Nicki Minaj



DC <dc@chrisathensmasters.com>

Fri, Aug 10, 2018, 6:40 PM



to me, Kurt, Dave



Hey guys,

Just got a text from Juice saying he's gonna send us a song from Serban. Apparently this song isn't going on the album and told me not to send it to the label.

Chris Athens. Mastering Engineer @ Chris Athens Masters. Austin, TX. U.S.A.

[Chris Athens Masters on Facebook](#)

